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Legislative History – Montana Session Law

Chapter: 563 Session L: 2003
Bill Number: HB 298

Checklist of Bill History

History and Final Status Sheet

Introduced Bill	☒
Fiscal Note	☒
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 1/30/2003	Hearing Date(s): 3/18/2003
Committee Report: 2/19/2003	Committee Report: 3/19/2003

Conference Committee

Hearing Date(s): 4/14/2003

Conference Committee Report: 4/14/2003

Compiler Notes

Compiled by: S.K. Marshall

Date: 11/19/2024

Notes:

Thank You!



AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE FEES FOR AN EXAMINATION OF A DIVISION OF LAND TO DETERMINE WHETHER IT IS EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- fees for examination of division. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition

is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0298, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 298

INTRODUCED BY YOUNKIN, BOHLINGER, GLASER, KEANE, LAWSON, MAHLUM, MCNUTT, NEWMAN,
NOENNIG, PERRY, PETERSON, SCHRUMPF, WANZENRIED, WHEAT, HURWITZ

AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE FEES FOR AN EXAMINATION OF A
DIVISION OF LAND TO DETERMINE WHETHER IT IS EXEMPT FROM SUBDIVISION REVIEW; AMENDING
SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
05/05/03	Chapter Number Assigned				
05/05/03	(H) Signed by Governor				
04/26/03	(H) Transmitted to Governor				
04/26/03	(H) Signed by Speaker				
04/26/03	(S) Signed by President				
04/25/03	(H) Returned from Enrolling				
04/25/03	(C) Printed - New Version Available				
04/24/03	(H) Sent to Enrolling				
04/24/03	(H) 3rd Reading Free Conference Committee Report Adopted		92	8	
04/24/03	(H) Scheduled for 3rd Reading				
04/23/03	(H) 2nd Reading Free Conference Committee Report Adopted		94	6	
04/23/03	(H) Scheduled for 2nd Reading				
04/22/03	(H) Scheduled for 2nd Reading				
04/16/03	(S) 3rd Reading Free Conference Committee Report Adopted		48	2	
04/16/03	(S) Scheduled for 3rd Reading				
04/15/03	(S) 2nd Reading Free Conference committee Report Adopted on Voice Vote		50	0	
04/15/03	(S) Scheduled for 2nd Reading				
04/14/03	(S) Free Conference Committee Report Received	(S) Free Conference			
04/14/03	(H) Free Conference Committee Report Received	(H) Free Conference			
04/14/03	(S) Hearing	(S) Free Conference			
04/12/03	(S) Hearing Canceled	(S) Free Conference			
04/10/03	(S) Free Conference Committee Appointed	(S) Free Conference			
04/08/03	(H) Free Conference Committee Appointed				
04/08/03	(H) 2nd Reading Senate Amendments Not Concurred		90	8	
04/08/03	(H) Scheduled for 2nd Reading				
03/25/03	(S) Returned to House with Amendments				
03/25/03	(S) 3rd Reading Concurred		49	1	
03/25/03	(S) Scheduled for 3rd Reading				
03/24/03	(C) Printed - New Version Available				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/22/03	(S) 2nd Reading Concurred as Amended on Voice Vote		45	0	
03/22/03	(S) 2nd Reading Motion to Amend Carried on Voice Vote		45	0	
03/22/03	(S) Scheduled for 2nd Reading				
03/20/03	(S) Committee Report--Bill Concurred	(S) Local Government			
03/19/03	(S) Committee Executive Action--Bill Concurred	(S) Local Government	10	0	
03/18/03	(S) Hearing	(S) Local Government			
02/26/03	(S) Referred to Committee	(S) Local Government			
02/26/03	(S) First Reading				
02/24/03	(H) Transmitted to Senate				
02/24/03	(H) 3rd Reading Passed		89	10	
02/24/03	(H) Scheduled for 3rd Reading				
02/22/03	(H) 2nd Reading Passed		94	6	
02/22/03	(H) Scheduled for 2nd Reading				
02/19/03	(C) Printed - New Version Available				
02/19/03	(H) Committee Report--Bill Passed as Amended	(H) Local Government			
02/19/03	(H) Committee Executive Action--Bill Passed as Amended	(H) Local Government	16	0	
01/30/03	(H) Hearing	(H) Local Government			
01/17/03	(H) Fiscal Note Printed				
01/17/03	(H) Fiscal Note Received				
01/13/03	(C) Introduced Bill Text Available Electronically				
01/13/03	(H) Fiscal Note Requested				
01/13/03	(H) Referred to Committee	(H) Local Government			
01/13/03	(H) First Reading				
01/13/03	(H) Introduced				
01/09/03	(C) Draft Delivered to Requester				
12/31/02	(C) Draft Ready for Delivery				
12/27/02	(C) Draft in Assembly/Executive Director Review				
12/27/02	(C) Draft in Final Drafter Review				
12/26/02	(C) Bill Draft Text Available Electronically				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
12/26/02	(C) Draft in Input/Proofing				
12/26/02	(C) Draft to Drafter - Edit Review [SAB]				
12/24/02	(C) Draft in Edit				
12/23/02	(C) Draft in Legal Review				
12/06/02	(C) Draft to Requester for Review				
11/21/02	(C) Draft Back for Requester Changes				
11/15/02	(C) Draft to Requester for Review				
11/04/02	(C) Fiscal Note Probable				
11/04/02	(C) Draft Request Received				

HOUSE BILL NO. 298
INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE A FEE FOR A REVIEW OF CERTAIN DIVISIONS OF LAND EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- review fees. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) The governing body may establish reasonable fees to be paid by an applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a) or (1)(f)."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- review fees. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the

purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(4) The governing body may establish reasonable fees to be paid by the applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a), (1)(b), or (1)(e)."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

- END -

HOUSE BILL NO. 298

INTRODUCED BY YOUNKIN, BOHLINGER, GLASER, KEANE, LAWSON, MAHLUM, MCNUTT, NEWMAN,
NOENNIG, PERRY, PETERSON, SCHRUMPF, WANZENRIED, WHEAT, HURWITZ

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE A FEE FOR A REVIEW OF ~~CERTAIN~~ DIVISIONS OF LAND EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- ~~review fees~~. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) The governing body may establish ~~reasonable~~ fees COMMENSURATE WITH COSTS to be paid by an applicant to defray the costs associated with the review of a division of land provided for in ~~subsection (1)(a) or (1)(f)~~ THIS SECTION."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- review fees. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(4) The governing body may establish reasonable fees COMMENSURATE WITH COSTS to be paid by the applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a), (1)(b), or (1)(c) THIS SECTION."

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

- END -

HOUSE BILL NO. 298

INTRODUCED BY YOUNKIN, BOHLINGER, GLASER, KEANE, LAWSON, MAHLUM, MCNUTT, NEWMAN,
NOENNIG, PERRY, PETERSON, SCHRUMPF, WANZENRIED, WHEAT, HURWITZ

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE A FEE FOR CERTAIN COSTS OF A REVIEW OF CERTAIN DIVISIONS OF LAND EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-201, MCA, is amended to read:

"76-3-201. Exemption for certain divisions of land -- ~~review fees~~ ACTUAL COSTS. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) The governing body may ~~establish reasonable fees~~ COMMENSURATE WITH COSTS to be paid by an applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a) or (1)(f) THIS SECTION COLLECT ACTUAL COSTS FOR THE REVIEW FOR ERRORS AND OMISSIONS IN CALCULATION OR DRAFTING, AS PROVIDED IN 76-3-611 (2)(A)."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions

~~-- review fees~~ **ACTUAL COSTS.** (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

~~(4) The governing body may establish reasonable fees COMMENSURATE WITH COSTS to be paid by the applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a), (1)(b), or (1)(c). THIS SECTION COLLECT ACTUAL COSTS FOR THE REVIEW FOR ERRORS AND OMISSIONS IN CALCULATION OR DRAFTING, AS PROVIDED IN 76-3-611 (2)(A).~~"

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

- END -

HOUSE BILL NO. 298

INTRODUCED BY YOUNKIN, BOHLINGER, GLASER, KEANE, LAWSON, MAHLUM, MCNUTT, NEWMAN,
NOENNIG, PERRY, PETERSON, SCHRUMPF, WANZENRIED, WHEAT, HURWITZ

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE ~~A FEE~~
~~FEES FOR CERTAIN COSTS OF A REVIEW~~ AN EXAMINATION OF ~~CERTAIN DIVISIONS~~ A DIVISION OF
LAND TO DETERMINE WHETHER IT IS EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS
76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-201, MCA, is amended to read:

**"76-3-201. Exemption for certain divisions of land -- ~~review fees~~ ~~ACTUAL COSTS~~ ~~FEES FOR~~
~~EXAMINATION OF DIVISION.~~** (1) Unless the method of disposition is adopted for the purpose of evading this chapter,
the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence
of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to
the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real
property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the
governing body of the pending division and allow the governing body to present written comment on the division.

~~(3) The governing body may establish reasonable fees COMMENSURATE WITH COSTS to be paid by an
applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a) or
(1)(f) THIS SECTION COLLECT ACTUAL COSTS FOR THE REVIEW FOR ERRORS AND OMISSIONS IN CALCULATION OR
DRAFTING, AS PROVIDED IN 76-3-611 (2)(A) EXAMINE A DIVISION OF LAND TO DETERMINE WHETHER OR NOT THE~~

REQUIREMENTS OF THIS CHAPTER APPLY TO THE DIVISION AND MAY ESTABLISH REASONABLE FEES, NOT TO EXCEED \$200, FOR THE EXAMINATION."

Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions -- ~~review fees~~ ACTUAL COSTS FEES FOR EXAMINATION OF DIVISION. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(4) The governing body may ~~establish reasonable fees~~ COMMENSURATE WITH COSTS to be paid by the applicant to defray the costs associated with the review of a division of land provided for in subsection (1)(a);

~~(1)(b), or (1)(c) THIS SECTION COLLECT ACTUAL COSTS FOR THE REVIEW FOR ERRORS AND OMISSIONS IN CALCULATION OR DRAFTING, AS PROVIDED IN 76-3-611(2)(A) EXAMINE A DIVISION OF LAND TO DETERMINE WHETHER OR NOT THE REQUIREMENTS OF THIS CHAPTER APPLY TO THE DIVISION AND MAY ESTABLISH REASONABLE FEES, NOT TO EXCEED \$200, FOR THE EXAMINATION."~~

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

- END -

FISCAL NOTE

Bill #: HB0298

Title: County fees for processing subdivision exemptions

Primary Sponsor: Younkin, C

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	FY 2004 Difference	FY 2005 Difference
Expenditures:	\$0	\$0
Revenue:	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| ☐ Significant Local Gov. Impact | ☒ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts |
| ☐ Dedicated Revenue Form Attached | ☐ Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. HB 298 allows a county or municipality to charge a fee for a review of certain divisions of land exempt from subdivision review.
2. The Department of Commerce Community Development Division has carefully analyzed HB 298 and determined there would be no fiscal impact to the agency.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. There is no way to determine the amount of revenue HB 298 might generate for local governments because HB 298 leaves the setting of fees in question to the local governments. The Department of Commerce doesn't have quantifiable data as to the number of exemptions that might be submitted in a given year. It is likely there would be a wide difference in the number of submitted exemptions between different local jurisdictions.

TECHNICAL NOTES:

1. HB 298 authorizes local governments to assess for the review of only five of the 14 exemptions contained in 76-3-201 & 207, MCA. Statute allows for the use of these exemptions "unless the method of disposition is adopted for the purpose of evading this chapter." It is assumed the fee is being charged to make sure the request to use the exemption is legitimate. Therefore, it is questioned why the fee does not apply to all the exemptions in 76-3-201 & 207, MCA.

Fiscal Note Request HB0298, As Introduced
(continued)

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 1/30/03

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. MARK NOENNIG, CHAIRMAN	✓		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. ARLENE BECKER	✓		
REP. ROD BITNEY	✓		
REP. LARRY CYR	✓		
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON	✓		
REP. PENNY MORGAN			✓
REP. RICK MAEDJE			✓
REP. ALAN OLSON	✓		
REP. HOLLY RASER			✓

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 1/30/03 BILL NO H13249 MOTION NO. 8-8
 MOTION: No Pass

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓ pr		
REP. LARRY CYR		✓	
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	pr	✓ pr.	
REP. RAY HAWK		✓	
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON		✓	
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓ pr.		
REP. ALAN OLSON	✓ pr.		
REP. HOLLY RASER		✓ pr	
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 1/30/03 BILL NO. HB 249 MOTION NO. _____

MOTION: Move to Vote 8-8

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER	✓		
REP. ROD BITNEY	✓	✓	
REP. LARRY CYR	✓		
REP. RON DEVLIN		✓	
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON	✓		
REP. RICK MAEDJE		✓	
REP. PENNY MORGAN		✓ pr	
REP. ALAN OLSON		✓ pr	
REP. HOLLY RASER	✓ pr		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY		✓	
REP. MARK NOENNIG, CHAIRMAN		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 1/30/03 BILL NO HB 272 MOTION NO. ~~HB 272~~

MOTION: Roll Call 13-3

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER	✓		
REP. ROD BITNEY	✓ pr.		
REP. LARRY CYR	✓		
REP. RON DEVLIN		✓	
REP. GARY FORRESTER	✓ pr.		
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON		✓	
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓ pr.		
REP. ALAN OLSON		✓ pr.	
REP. HOLLY RASER	✓ pr.		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		



HOUSE STANDING COMMITTEE REPORT

January 31, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 142** (first reading copy - white) do pass as amended.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

And, that such amendments read:

1. Title, line 6.

Following: "BE"

Insert: "DIRECTLY"

2. Page 1, line 16 through line 17.

Strike: "local" on line 16 through "government" on line 17

3. Page 1, line 17.

Strike: "agency,"

4. Page 3, line 26.

Following: "government"

Insert: ", as defined in 7-12-1103,"

Following: "be"

Insert: "directly"

- END -

Committee Vote:

Yes 16, No 0.

210830SC.hhn

1-31-03
28



HOUSE STANDING COMMITTEE REPORT

January 31, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 152** (first reading copy -
- white) **do pass**.

Signed: *Mark E. Noennig*
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 16, No 0.

210831SC.hhn

1-31-03
D



HOUSE STANDING COMMITTEE REPORT

January 31, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 272** (first reading copy -
- white) do pass.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 13, No 3.

210832SC.hhn

1-31-03
22

HOUSE Chief Clerk of the House COPY

TABLED BILL

The HOUSE LOCAL GOVERNMENT COMMITTEE TABLED HB 229, by motion, on Thursday, January 30, 2003.

Linda Keim
(For the Committee)

SP
(Chief Clerk of the House)

8 AM / 1-31
(Time) (Date)

January 31, 2003

Linda Keim, Secretary

Phone: 444-4832

COMMITTEE PROXY

DATE Jan 30, 03

I request to be excused from the Local Government
 Committee meeting this date because of other commitments. I desire to leave my proxy vote
 with Rep. Carney

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and
 number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB 142	✓	
HB 152	✓	
HB 229		✓
HB 249		✓
Tahle	✓	
HB 272	✓	

Rep. [Signature]

(Signature)

COMMITTEE PROXY

DATE Jan 30, 2003

I request to be excused from the Local Government
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with Rep. Cerny

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB 132		
HB 142	✓	
HB 152	✓	
HB 229		✓
HB 249		✓
Table	✓	
HB 272	✓	

Rep. [Signature]
(Signature)

COMMITTEE ABSENTEE BALLOT

DATE: 1/30/03

I hereby authorize Rep. Mendenhall

to cast my vote(s) as follows:

Representative Barry J. Morgan

H:\DATA\WP\Forms\Absentee Ballot.frm

COMMITTEE ABSENTEE BALLOT

DATE: ~~1/30/03~~ 1/30/03

I hereby authorize Rep. Mendenhall

to cast my vote(s) as follows:

Representative [Signature]

H:\DATA\WP\Forms\Absentee Ballot.frm

COMMITTEE ABSENTEE BALLOT

DATE: 1/30/03

I hereby authorize Rep. Merle Hall
to cast my vote(s) as follows:

Representative Jon Deane

COMMITTEE ABSENTEE BALLOT

DATE: 1/30/03

I hereby authorize Rep. Merle Hall
to cast my vote(s) as follows:

Representative Red Bittner

Montana House of Representatives Visitors Register

LOCAL GOVERNMENT COMMITTEE

Date 1/30/03

Bill No. 298 Sponsor(s) Younkin

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE 2/18/03

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. MARK NOENNIG, CHAIRMAN	✓		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY			✓
REP. ARLENE BECKER	✓		
REP. ROD BITNEY	✓		
REP. LARRY CYR	✓		
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON	✓		
REP. PENNY MORGAN	✓		
REP. RICK MAEDJE	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER			✓

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 2/18/03 BILL NO 249 MOTION NO. 1
 MOTION: _____

Take off table 10-5

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓		
REP. LARRY CYR		✓	
REP. RON DEVLIN	✓		
REP. GARY FORRESTER		✓	
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON	✓		
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER		✓	
REP. EILEEN CARNEY, VICE CHAIR MINORITY			
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 2/18/03 BILL NO 249 MOTION NO. 2
 MOTION: _____

No Pass on HB 249

10-6

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓		
REP. LARRY CYR		✓	
REP. RON DEVLIN	✓		
REP. GARY FORRESTER		✓	
REP. RAY HAWK	✓		
REP. HAL JACOBSON	✓		
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON	✓		
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER		✓	
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓ <i>pr.</i>	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 2/18/03 BILL NO 249 MOTION NO. 3

MOTION: _____

Reconciler HB 249

Fails 7-9

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER	✓		
REP. ROD BITNEY		✓	
REP. LARRY CYR	✓		
REP. RON DEVLIN		✓	
REP. GARY FORRESTER	✓		
REP. RAY HAWK		✓	
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON		✓	
REP. RICK MAEDJE		✓	
REP. PENNY MORGAN		✓	
REP. ALAN OLSON		✓	
REP. HOLLY RASER	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY	✓ <i>pr</i>		
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

DATE 2/18/03 LOCAL GOVERNMENT COMMITTEE
 MOTION: 426 BILL NO. 426 MOTION NO. 9-7

Also Pass

9-7

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY	✓		
REP. LARRY CYR		✓	
REP. RON DEVLIN	✓		
REP. GARY FORRESTER	✓		
REP. RAY HAWK	✓		
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH		✓	
REP. BOB LAWSON		✓	
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN	✓		
REP. ALAN OLSON	✓		
REP. HOLLY RASER		✓	
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓ <i>gm.</i>	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY	✓		
REP. MARK NOENNIG, CHAIRMAN	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

LOCAL GOVERNMENT COMMITTEE

DATE 2/18/03 BILL NO 442 MOTION NO. _____
 MOTION: _____

do Pass AB 442

Fails 4-12

NAME	AYE	NO	ABSENTEE
REP. ARLENE BECKER		✓	
REP. ROD BITNEY		✓	
REP. LARRY CYR		✓	
REP. RON DEVLIN		✓	
REP. GARY FORRESTER		✓	
REP. RAY HAWK	✓		
REP. HAL JACOBSON		✓	
REP. JESSE LASLOVICH	✓		
REP. BOB LAWSON		✓	
REP. RICK MAEDJE	✓		
REP. PENNY MORGAN		✓	
REP. ALAN OLSON		✓	
REP. HOLLY RASER	✓		
REP. EILEEN CARNEY, VICE CHAIR MINORITY		✓ ps.	
REP. SCOTT MENDENHALL, VICE CHAIR MAJORITY		✓	
REP. MARK NOENNIG, CHAIRMAN		✓	



HOUSE STANDING COMMITTEE REPORT

February 19, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 416** (first reading copy -
- white) **do pass and be placed on the consent calendar.**

Signed: *Mark E. Noennig*
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 16, No 0.

370841SC.hhn

2-19-03
58



HOUSE STANDING COMMITTEE REPORT

February 19, 2003

Page 1 of 2

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 298** (first reading copy -
- white) **do pass as amended.**

Signed:

Mark E. Noennig
Representative Mark Noennig, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "CERTAIN"

2. Page 1, line 11.

Strike: "review"

3. Page 1, line 26.

Strike: "reasonable"

Following: "fees"

Insert: "commensurate with costs"

4. Page 1, line 27.

Strike: "subsection (1) (a) or (1) (f)"

Insert: "this section"

5. Page 2, line 1.

Strike: "review"

6. Page 2, line 25.

Strike: "reasonable"

Committee Vote:

Yes 16, No 0.

370839SC.hhn

2-19-03
JL

Following: "fees"

Insert: "commensurate with costs"

7. Page 2, line 26.

Strike: "subsection (1)(a), (1)(b), or (1)(e)"

Insert: "this section"

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2003

Page 1 of 2

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 426** (first reading copy - white) do pass as amended.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

And, that such amendments read:

1. Title, line 6.

Following: "SERVICE;"

Insert: "PROVIDING EXEMPTIONS;"

2. Page 1, line 11.

Following: "services"

Insert: " -- exemptions"

Strike: "A"

Insert: "(1) Except as provided in subsections (2) and (3), a"

3. Page 1.

Following: line 12

Insert: "(2) (a) A county may establish a facility or offer a service for the county provided that the county is able to do so at a lower cost than the private sector. In determining its costs, a county shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The board of county commissioners shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-2121. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a

Committee Vote:

Yes 14, No 2.

370840SC.hhn

2-19-03
JL

facility is owned by the county.

(b) A county may add basic recreational facilities and services, such as outdoor swimming pools, wading pools, and playground equipment, to county parks in order to balance similar basic recreational facilities and services available throughout the county. The board of county commissioners shall present its plan for any additions at a public hearing advertised as provided in 7-1-2121.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a county."

4. Page 1, line 15.

Following: "services"

Insert: " -- exemptions"

Strike: "A"

Insert: "(1) Except as provided in subsections (2) and (3), a"

5. Page 1.

Following: line 17

Insert: "(2) (a) A municipality may establish a facility or offer a service for the municipality provided that the municipality is able to do so at a lower cost than the private sector. In determining its costs, a municipality shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The governing body of the municipality shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-4127. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a facility is owned by the municipality.

(b) A municipality may add basic recreational facilities and services, such as outdoor swimming pools, wading pools, and playground equipment, to city parks in order to balance similar basic recreational facilities and services available throughout the municipality. The governing body of a municipality shall present its plan for any additions to a city park at a public hearing advertised as provided in 7-1-4127.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a municipality."

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 249** (first reading copy -
- white) do pass.

Signed: _____

Mark E. Noennig
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 10, No 6.

370842SC.hhn

2-19-03
82

COMMITTEE FILE COPY

TABLED BILL

The HOUSE LOCAL GOVERNMENT COMMITTEE Tabled HB 442, by motion, on Tuesday, February 18, 2003.

Linda Keim
(For the Committee)

SS.
(Chief Clerk of the House)

8:40 / 2-19
(Time) (Date)

February 19, 2003

Linda Keim, Secretary

Phone: 444-4832



HOUSE STANDING COMMITTEE REPORT

February 19, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 520** (first reading copy -
- white) do pass.

Signed: Mark E. Noennig
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 16, No 0.

370843SC.hhn

2-19-03
JH

COMMITTEE PROXY

DATE 2/18/03

I request to be excused from the LOCAL GOVT
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with LARRY CYR

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB	416	aye
HB 298/amend 29867		aye
HB 298/amend Lawton		aye
HB 298		aye
HB 416/amend 41667		aye

Rep. [Signature]

(Signature)

COMMITTEE PROXY

DATE 2/18/03

I request to be excused from the LOCAL GOVT.
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with LARRY CYR

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB	416	aye
HB 298/amend 29802		aye
HB 298/amend 30000		aye
HB 298/amend 30001		no
HB 298 do pass		aye
HB 426/amend 30002		aye
HB 426 do pass		no
HB 249 do pass		no
HB 249 reconsider		yea
HB 442 do pass		no
HB 520 do pass		yea

Rep. Eric J. Carney
(Signature)

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

ROLL CALL

DATE 3.18.03

[illegible]



SENATE STANDING COMMITTEE REPORT

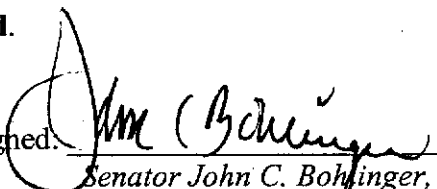
March 19, 2003

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 610** (second house second reading copy -- tan) **be concurred in as amended.**

Signed.


Senator John C. Bohlinger, Chair

To be carried by Senator Jeff Mangan

And, that such amendments read:

1. Page 1, line 19.

Following: "a"

Insert: "cumulative"

Strike: "IN ANY YEAR"

Insert: "within a 12-month period"

- END -

Committee Vote:

Yes 9, No 1.

581433SC.ssc

870



SENATE STANDING COMMITTEE REPORT

March 19, 2003

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 298** (third reading copy -- blue) be concurred in.

Signed: _____

John C. Bohlinger
Senator John C. Bohlinger, Chair

To be carried by Senator Mike Wheat

- END -

Committee Vote:
Yes 10, No 0.

580956SC.ssc

gob



SENATE STANDING COMMITTEE REPORT

March 19, 2003

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 416** (third reading copy -- blue) be concurred in.

Signed: _____

John C. Bohlinger
Senator John C. Bohlinger, Chair

To be carried by Senator Kelly Gebhardt

- END -

Committee Vote:

Yes 10, No 0.

580955SC.ssc

SP

PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR ESP TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON Local Government MEETING HELD ON 3-18-03

2003.

Black
SENATOR
STATE OF MONTANA

PROXY VOTE

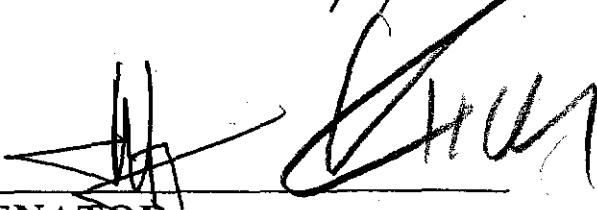
I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR Byrnes TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON Local Gov MEETING HELD ON 3/18/03,

2003.



SENATOR
STATE OF MONTANA

DATE 3.18.03

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 298, HB 416, HB 512, HB 610

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bobby Broadway	406-965-3944	San Prairie Village Co. Water & Sewer Dist	HB 610	X	
Jennifer Madgic	582-3130	Gallatin CO	HB 298 HB 512	✓	
Steve Wade	443-6820	MRWS	HB 610	✓	
Roger Halver	459-0570	MT ASSN Realtors	HB 512	✓	
LINDA STOLL	431-1368	MT ASSN OF PLANNERS	HB 298	✓	
Mona Jankowski	442-5581	Gallatin City	HB 512 HB 416 HB 298	✓	
Jim Kember	442-8684	MT ASSOC. of Registered Land Surveyors	HB 298 with amend.	✓	
Tammy McGill	322-8000	SH Water Co	HB 298	X	
Don Hargrove	920-2478	Gallatin Co	HB 416	X	
Howard Gipe	458-5503	Flathemo Commerce	HB 298 HB 512	+	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

**SENATE JOURNAL
58TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 22, 2003

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Elliott, Schmidt, Stonington and Tester, excused. Quorum present.

The presiding officer has authenticated the daily journal for the sixtieth legislative day.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Mahlum, Chairman):
HB 159, be amended as follows:

3/21/2003

1. Title, page 1, line 23.

Following: "MCA"

Insert: "; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE"

2. Page 1, line 27.

Strike: "24"

Insert: "25"

3. Page 2, line 2.

Strike: "24"

Insert: "25"

4. Page 4, line 24.

Strike: "24"

Insert: "25"

5. Page 4, line 29.

Strike: "24"

Insert: "25"

6. Page 5, line 6.

Strike: "24"

Insert: "25"

7. Page 5, line 7.

Strike: "24"

Insert: "25"

8. Page 5, line 11.

Strike: "24"

Insert: "25"

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9. Page 5, line 12.

Strike: "24"

Insert: "25"

10. Page 5, line 15.

Strike: "24" in two places

Insert: "25" in two places

11. Page 5, line 23.

Strike: "24" in two places

Insert: "25" in two places

12. Page 5, line 26.

Strike: "24"

Insert: "25"

13. Page 5, line 27.

Strike: "24"

Insert: "25"

14. Page 5, line 30.

Strike: "24"

Insert: "25"

15. Page 6, line 1.

Strike: "24"

Insert: "25"

16. Page 6, line 2.

Strike: "24"

Insert: "25"

17. Page 6, line 3.

Strike: "24"

Insert: "25"

18. Page 6, line 12.

Strike: "24"

Insert: "25"

19. Page 6, line 20.

Strike: "\$60"

Insert: "\$75"

20. Page 6, line 21.

Strike: "\$60"

Insert: "\$75"

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21. Page 6, line 22.

Strike: "both licenses"

Insert: "each license"

22. Page 6, line 24.

Strike: "14"

Insert: "15"

23. Page 6, line 29.

Strike: "85%"

Insert: "88%"

24. Page 7, line 1.

Strike: "7.5%"

Insert: "6%"

25. Page 7, line 2.

Strike: "7.5%"

Insert: "6%"

Strike: "21"

Insert: "22"

26. Page 7, line 4.

Strike: "21"

Insert: "22"

27. Page 7, line 5.

Following: line 4

Insert: "NEW SECTION. Section 14. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued, the department shall collect a fee of \$90. For an operation containing an establishment and a retail food establishment, as provided in [section 11(3)], the department shall collect one fee of \$90 for each license.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in [section 15] and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

(3) The department shall deposit the annual fees collected under subsection (1) as follows:

(a) 90% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 5% into the general fund; and

(c) 5% into the account, created in [section 22], in the state special revenue fund.

(4) The department shall deposit all of the fees collected under subsection (2) into the account, created by [section 22], in the state special revenue fund."

Renumber: subsequent sections

28. Page 7, line 8.

Strike: "24"

Insert: "25"

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29. Page 7, line 27.

Strike: "24" in two places

Insert: "25" in two places

30. Page 8, line 3.

Strike: "16"

Insert: "17"

31. Page 8, line 5.

Strike: "24"

Insert: "25"

32. Page 8, line 6.

Strike: "24"

Insert: "25"

33. Page 8, line 13.

Strike: "24" in two places

Insert: "25" in two places

34. Page 9, line 7.

Strike: "24" in two places

Insert: "25" in two places

35. Page 9, line 17.

Strike: "24"

Insert: "25"

36. Page 9, line 22.

Strike: "24" in two places

Insert: "25" in two places

37. Page 9, line 26.

Strike: "24"

Insert: "25"

38. Page 9, line 27.

Strike: "24"

Insert: "25"

39. Page 10, line 6.

Strike: "24"

Insert: "25"

40. Page 10, line 7.

Strike: "24"

Insert: "25"

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41. Page 10, line 12.

Strike: "14"

Insert: "15"

Strike: "16"

Insert: "17"

42. Page 10, line 15.

Strike: "14"

Insert: "15"

43. Page 10, line 16.

Strike: "16"

Insert: "17"

44. Page 11, line 15.

Strike: "24"

Insert: "25"

45. Page 15, line 30.

Strike: "24"

Insert: "25"

46. Page 16, line 1.

Strike: "24"

Insert: "25"

47. Page 16, line 2.

Following: line 1

Insert: "NEW SECTION. Section 34. Coordination instruction. If Senate Bill No. 464 is not passed and approved, then [sections 14, 35(2), and 36 of this act] are void and [section 13 of this act] must read as follows:

"NEW SECTION. Section 13. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued, the department shall collect a fee of \$60. For an operation containing an establishment and a retail food establishment, as provided in [section 11(3)], the department shall collect one fee of \$60 for each license.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in [section 14] and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

(3) The department shall deposit the annual fees collected under subsection (1) as follows:

(a) 85% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 7.5% into the general fund; and

(c) 7.5% into the account, created in [section 21], in the state special revenue fund.

(4) The department shall deposit all of the fees collected under subsection (2) into the account, created by [section 21], in the state special revenue fund."

Insert: "NEW SECTION. Section 35. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2004.

(2) [Section 14] is effective January 1, 2005."

Insert: "NEW SECTION. Section 36. Termination. [Section 13] terminates December 31, 2004."

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And, as amended, be concurred in. Report adopted.

HB 183, be amended as follows:

1. Title, page 1, line 9.

Strike: "33-1-501,"

2. Title, page 1, line 10.

Strike: the second "AND"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 14 through page 2, line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3.

Following: line 28

Insert: "(3) The health insurance issuer shall hold for processing of payment any claims received during the 15-day notification period for nonpayment of premium for group health insurance coverage. Upon receipt of the premium, claims held for the 15-day notification period must be processed for payment."

Renumber: subsequent subsections

5. Page 3, line 29.

Following: "effect"

Insert: ", subject to the requirements of subsection (3),"

6. Page 6, line 10.

Strike: "3"

Insert: "2"

7. Page 7, lines 13 and 14.

Strike: subsection (7) in its entirety

8. Page 9, line 29.

Strike: "3"

Insert: "2"

9. Page 9, line 30.

Strike: "3"

Insert: "2"

10. Page 9.

Following: line 30

Insert: "NEW SECTION. **Section 11. Effective date -- applicability.** [This act] is effective January 1, 2004, and applies to policies or certificates issued or renewed on or after January 1, 2004."

And, as amended, be concurred in. Report adopted.

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HB 196, be concurred in. Report adopted.
HB 323, be concurred in. Report adopted.
HB 338, be concurred in. Report adopted.
HB 354, be concurred in. Report adopted.
HB 438, be concurred in. Report adopted.

FINANCE AND CLAIMS (Zook, Chairman):
HB 481, be amended as follows:

3/21/2003

1. Page 1, line 11 through line 25.

Strike: line 11 through line 25 in their entirety

2. Page 6, line 25.

Strike: "State special revenue fund"

3. Page 6, line 26 through line 27.

Strike: line 26 through line 27 in their entirety

4. Page 6, line 29.

Strike: "State special revenue fund"

5. Page 6, line 30 through page 7, line 1.

Strike: page 6, line 30 through page 7, line 1 in their entirety

6. Page 7, line 2.

Following: line 1

Insert: "(2) The following money is appropriated to the department of public health and human services from the federal special revenue fund to match state special revenue in subsection (1) to fund increases in medicaid payments to hospitals:

Fiscal Year 2004 \$19,418,341

Fiscal Year 2005 \$22,941,125"

Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 554, be concurred in. Report adopted.

HB 564, be amended as follows:

1. Title, line 15.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE, AN"

2. Title, line 16.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 2, line 8.

Following: "OF"

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Strike: "COMMERCE"

Insert: "labor and industry"

4. Page 2, line 16 and line 17.

Following: "(6)" on line 16

Insert: "(a)"

Following: "means" on line 16

Strike: ":" on line 16 through "(a)" on line 17

5. Page 2, line 18.

Following: "include"

Insert: ":

(i)"

6. Page 2, line 20.

Following: "state"

Strike: "."

Insert: "; or

(ii) jobs created by an employer as the result of an acquisition of a Montana company or entity if those jobs previously existed in the state of Montana in the acquired company or entity unless it is demonstrated that the jobs:

(A) are substantially different as a result of the acquisition; and

(B) will require new training for the employee to meet new job requirements."

7. Page 2, line 24 through line 26.

Following: "engaged" on line 24

Strike: remainder of line 24 through "(b)" on line 26

8. Page 3, line 4 and line 5.

Following: "(11)" on line 4

Insert: "(a)"

Following: "means" on line 4

Strike: ":" on line 4 through "(a)" on line 5

9. Page 3, line 24.

Strike: "THE STATE"

Insert: "a local"

Following: "BOARD"

Insert: "authorized in 53-2-1204"

10. Page 3, line 28.

Strike: "THE STATE"

Insert: "a local"

11. Page 4, line 26.

Following: "to"

Strike: "employers"

Insert: "primary sector businesses"

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12. Page 8, line 1 through line 10.

Following: "transfer the" on line 1

Strike: remainder of line 1 through "GRANT" on line 10

Insert: "amount of the new jobs credits from the general fund to the office of economic development, to be used for repayment of principal, interest, and administrative costs on loans issued under [section 7]. The office of economic development shall account separately for each grant award and any new jobs credit associated with that grant. Funds transferred for a new jobs credit may be used only for repayment of principal, interest, and administrative costs for the loan that funded the grant with which the new jobs credit is associated and for the labor supply studies authorized in subsection (6). If funds transferred for a new jobs credit exceed the amount required for repayment of principal, interest, and administrative costs on the loan that funded the grant with which the new jobs credit is associated and the labor supply studies authorized in subsection (6), all remaining funds must be used for early repayment of principal on the loan associated with the new jobs credit. Transfers from the department of revenue for a new jobs credit must cease once the principal and interest on the loan used to fund the grant associated with that new jobs credit"

13. Page 8, line 12.

Strike: "THE SPECIAL ACCOUNTS IN"

14. Page 8, line 30.

Following: "9."

Strike: "Applicability"

Insert: "Effective date --- applicability"

Following: "act]"

Insert: "is effective on passage and approval and"

15. Page 8, line 30 through page 9, line 1.

Following: "after" on line 30

Strike: remainder of line 30 through "2003" on page 9, line 1

Insert: "[the effective date of this act]"

16. Page 9, following line 1.

Insert: "NEW SECTION. **Section 10. Termination.** [This act] terminates June 30, 2007."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/22/2003

SB 100, introduced by Grimes

SB 104, introduced by Tester

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2003

SB 143, introduced by Bohlinger

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2003

SJR 24, introduced by O'Neil

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House bill passed and transmitted to the Senate for concurrence:

3/22/2003

HB 2, introduced by Lewis

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by Lewis (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

SPECIAL ORDERS OF THE DAY

Senator Stapleton introduced the Senate pages, gave a brief overview of their activities and future plans, and thanked them for their work through the week.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 185 - Senator Anderson moved **HB 185** be concurred in. Motion carried unanimously.

HB 199 - Senator Cromley moved **HB 199** be concurred in. Motion carried unanimously.

HB 236 - Senator Stapleton moved **HB 236** be concurred in. Motion carried unanimously.

HB 368 - Senator Anderson moved **HB 368** be concurred in. Motion carried unanimously.

HB 711 - Senator Cooney moved **HB 711** be concurred in. Motion carried unanimously.

Senator McGee assumed the chair.

SB 296 - Senator Taylor moved **SB 296** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, Pease, Perry, Roush, Shea, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Zook, Mr. President.

Total 36

Nays: Cobb, Cromley, Curtiss, Harrington, McCarthy, O'Neil, Ryan, Sprague, Squires, Wheat.

Total 10

Absent or not voting: None.

Total 0

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Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

Senator Taylor reassumed the chair.

SB 469 - Senator Ellingson moved consideration of **SB 469** be passed for the day. Motion carried.

HB 17 - Senator Wheat moved **HB 17** be concurred in. Motion carried with Senators DePratu, O'Neil and Zook voting nay.

HB 40 - Senator Wheat moved **HB 40** be concurred in. Motion carried unanimously.

HB 63 - Senator Barkus moved **HB 63** be concurred in. Motion carried with Senators Bohlinger, Cromley and Johnson voting nay.

HB 122 - Senator Roush moved **HB 122** be concurred in. Motion carried with Senator McGee voting nay.

HB 145 - Senator Hansen moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Squires, Story, Toole, Tropila, Wheat, Zook.
Total 32

Nays: Bales, Butcher, Curtiss, Esp, Gebhardt, Johnson, McGee, O'Neil, Perry, Stapleton, Tash, Taylor, Thomas, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

HB 165 - Senator Mahlum moved **HB 165** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Gebhardt, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Squires, Tropila, Wheat, Zook.
Total 24

Nays: Anderson, Bohlinger, Butcher, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Johnson, McGee, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Toole, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

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Senator Kitzenberg excused at this time.

HB 169 - Senator Cocchiarella moved **HB 169** be concurred in. After discussion, Senator Stapleton made a **substitute motion** that consideration of **HB 169** be moved below HB220 on the second reading board. Motion carried.

HB 179 - Senator Laible moved **HB 179** be concurred in. Motion carried unanimously.

HB 182 - Senator Anderson moved **HB 182** be concurred in. Motion carried unanimously.

HB 220 - Senator McGee moved **HB 220** be concurred in. Motion carried unanimously.

HB 169 - Senator Cocchiarella moved consideration of **HB 169** be placed below HJR 20 on the second reading board. Motion carried.

HB 237 - Senator Story moved **HB 237** be concurred in. Motion carried unanimously.

HB 284 - Senator Mangan moved **HB 284** be concurred in. Motion carried unanimously.

HB 298 - Senator Wheat moved **HB 298** be concurred in. After discussion, Senator Wheat made a **substitute motion** that consideration of **HB 298** be placed at the bottom of the board for purpose of amendment. Motion carried unanimously.

HB 190 - Senator Cobb moved consideration of **HB 190** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 285 - Senator McGee moved **HB 285** be concurred in. Motion carried unanimously.

HB 312 - Senator D. Ryan moved **HB 312** be concurred in. Motion carried unanimously.

HB 315 - Senator Squires moved **HB 315** be concurred in. Motion carried unanimously.

HB 441 - Senator Harrington moved **HB 441** be concurred in. Motion carried unanimously.

HB 573 - Senator Mangan moved **HB 573** be concurred in. Motion carried unanimously.

HB 616 - Senator Story moved **HB 616** be concurred in. Motion carried unanimously.

HB 618 - Senator Mangan moved **HB 618** be concurred in. Motion carried with Senators Esp and Gebhardt voting nay.

HB 627 - Senator Story moved **HB 627** be concurred in. Motion carried unanimously.

HJR 20 - Senator Hansen moved **HJR 20** be concurred in. Motion carried unanimously.

HB 169 - Senator Stapleton moved **HB 169**, second reading copy, be further amended as follows:

1. Page 5, line 26.

Strike: "\$100"

Insert: "\$50"

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Amendment **adopted** unanimously.

HB 169 - Senator Cocchiarella moved **HB 169**, as amended, be concurred in. Motion carried with Senators Gebhardt and McGee voting nay.

HJR 34 - Senator Black moved **HJR 34** be concurred in. Motion carried with Senators McCarthy and Ryan voting nay.

HB 190 - Senator Cobb moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 13.

Strike: "THAT"

Insert: "HOW"

2. Title, page 1, line 14.

Strike: "MADE DIRECTLY"

Insert: "PROVIDED"

3. Page 25, line 22.

Strike: the first "the"

Insert: "an"

4. Page 25, line 23 through line 24.

Strike: "compare" on line 23 through "included," on line 24

Following: "13-13-241"

Strike: ", "

5. Page 25, line 28.

Following: "If"

Insert: "an"

Strike: "ballots are"

Insert: "ballot is"

Following: "after the"

Insert: "official"

6. Page 25, line 29.

Strike: "the return envelopes"

Insert: "it"

Strike: "subsection (1)"

Insert: "13-13-241"

7. Page 25, line 30.

Strike: "return envelopes"

Insert: "secrecy envelope"

8. Page 26, line 5 through line 6.

Strike: "retained" on line 5 through "administrator" on line 6

Insert: "handled in the same manner as provided in 13-13-243"

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9. Page 26, line 15.

Following: "OR"

Insert: "an"

10. Page 26, line 17.

Following: "."

Insert: "If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot."

11. Page 26.

Following: line 17

Insert: "(b) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes."

Renumber: subsequent subsection

12. Page 26, line 19.

Strike: "subsections"

Insert: "subsection"

Strike: "and (4)"

13. Page 26, line 21.

Following: "MAIL"

Insert: "or by the most expedient method available under rules adopted by the secretary of state"

14. Page 26, line 23.

Following: ":"

Strike: "THE"

Insert: "If the elector is notified by mail, the"

15. Page 26, line 24.

Following: "WITH"

Insert: "a description of"

16. Page 26, line 28.

Strike: "ON ELECTION DAY, THE"

Insert: "The"

Strike: "judges"

Insert: "administrator"

17. Page 26, line 29.

Strike: "SECRECY"

Insert: "return"

18. Page 26, line 29 through line 30.

Strike: "and" on line 29 through "initials" on line 30

19. Page 27, line 2.

Strike: "opening the"

Insert: "receiving an"

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Strike: "return"
Insert: "secrecy"
Strike: "and"
Insert: ", "
Strike: "they"
Insert: "the election judges"

20. Page 27, line 3.
Following: "shall"
Insert: "on election day"

21. Page 27, line 3 through line 7.
Strike: "In" on line 3 through "box." on line 7

Amendment **adopted** unanimously.

HB 190 - Senator Cobb moved **HB 190**, as amended, be concurred in. After discussion, Senator Wheat made a **substitution motion** that **HB 190**, second reading copy, be further amended as follows:

1. Title, page 1, line 12.
Strike: "REVISING WHEN" through "AVAILABLE:"

2. Page 22, line 21.
Strike: "30"
Insert: "45"

3. Page 22, line 25.
Strike: "30"
Insert: "45"

Amendment **not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Squires, Toole, Tropila, Wheat.
Total 17

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 190 - Senator Wheat moved **HB 190**, second reading copy, be further amended as follows:

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1. Title, page 1, line 8.

Strike: "ALL"

Insert: "NEW"

Following: "ELECTORS"

Insert: "AND ELECTORS WHO SIGN TRANSFER FORMS"

2. Page 4, line 21.

Following: "provided"

Strike: "by law"

Insert: "under this title or who was legally registered before [the effective date of this act]"

3. Page 5, lines 7 through 8.

Strike: "whose" on line 7 through "law" on line 8

Insert: "who is not a legally registered elector"

4. Page 5, line 10.

Strike: "by law"

Insert: "under this title, including a legally registered elector who has signed a transfer form to indicate a change of residence but who has not submitted verification"

5. Page 15, line 26.

Strike: "Special addendum to" through "register"

Following: "vote"

Insert: "Prima facie evidence of right to vote -- special addendum"

6. Page 16.

Following: line 3

Insert: "(1) The fact that an elector's name appears on the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

7. Page 16, line 4.

Following: "(2)"

Insert: "(2)"

8. Page 16, line 7.

Following: "precinct."

Insert: "The fact than an elector's name appears on a special addendum to the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

9. Page 19, line 7.

Strike: "Voter identification and marking"

Insert: "Marking"

10. Page 19, lines 8 through 22.

Strike: "-- provisional voting" on line 8.

Insert: "-- legally registered electors -- provisionally registered electors"

Strike: "(1)" on line 8 through "." on line 22

Insert: "(1) (a) Before a legally registered elector is permitted to receive a ballot or vote, the elector shall state the elector's name and current address to an election judge. If the elector's name and address are the same as in the

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precinct register, the elector may sign on the place designated in the precinct register and must be given a regular ballot to vote.

(b) If the elector's name or address is not the same as listed in the precinct register, the elector may complete a transfer form or new registration form to correct the elector's voter registration information and provide the election judge with the following identification:

(i) photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or

(ii) a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(c) If an elector provides the information listed in subsection (1)(b) and an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register and must be provided with a regular ballot to vote."

Amendment **not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Squires, Toole, Tropila, Wheat.

Total 17

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.

Total 5

Senator Thomas moved the Committee of the Whole stand in recess until the hour of 12:45 p.m. this day. Motion carried.

Committee of the Whole recessed at 12:21 p.m.

Roll call at 12:50 p.m. All members present except Senators Elliott, Kitzenberg, Schmidt, Stonington and Tester, excused. Quorum present.

Committee of the Whole resumed at 12:52 p.m.

HB 190 - Senator Wheat moved **HB 190**, second reading copy, be further amended as follows:

1. Page 20, line 20.

Strike: "the"

Insert: "a provisionally registered"

Following: "vote,"

Strike: "an"

Insert: "a provisionally registered"

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2. Page 21, line 13.

Following: "(1)"

Insert: "(a)"

Strike: "or"

Insert: ", including an elector who was legally registered prior to [the effective date of this act], is not required to present any form of identification in submitting an absentee ballot.
(b) A"

3. Page 21, line 14.

Following: "part"

Insert: "and must comply with the requirements of subsection (3)"

4. Page 21, line 23.

Strike: "The elector may also"

Insert: "A provisionally registered elector may"

5. Page 21, line 30.

Following: "If the"

Insert: "provisionally registered"

Amendment **not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Squires, Toole, Tropila, Wheat.
Total 16

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington, Kitzenberg, Schmidt, Stonington, Tester.
Total 6

HB 190 - Senator Cobb's motion that **HB 190, as amended**, be concurred in, carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 31

Nays: Cooney, Cromley, Ellingson, Hansen, Harrington, McCarthy, Nelson, Pease, Roush, Ryan, Squires, Toole, Tropila, Wheat.
Total 14

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 298 - Senator Wheat moved consideration of **HB 298** be placed below HB 480 on the second reading board for purpose of amendment. Motion carried.

SB 385 - Senator F. Thomas moved consideration of **SB 385** be passed for the day. Motion carried.

SB 443 - Senator F. Thomas moved consideration of **SB 443** be placed below HB 298 on the second reading board. Motion carried.

HB 174 - Senator Hansen moved **HB 174** be concurred in. Motion carried unanimously.

Senator Cobb excused at this time.

HB 319 - Senator Cocchiarella moved **HB 319** be concurred in. Motion carried unanimously.

Senator Cobb present at this time.

HB 416 - Senator Wheat moved **HB 416** be concurred in. Motion carried unanimously.

HB 480 - Senator Cromley moved **HB 480** be concurred in. Motion carried unanimously.

HB 298 - Senator Wheat moved consideration of **HB 298** be placed below HJR 28 on the second reading board for purpose of amendment. Motion carried.

HB 610 - Senator Mangan moved **HB 610** be concurred in. Motion carried unanimously.

HB 420 - Senator Mahlum moved **HB 420** be concurred in. Motion carried unanimously.

HB 584 - Senator Grimes moved **HB 584** be concurred in. Motion carried unanimously.

HJR 10 - Senator Johnson moved **HJR 10** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Squires, Stapleton, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 41

Nays: Esp, Perry, Story.
Total 3

Absent or not voting: Sprague.
Total 1

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Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 11 - Senator Black moved **HJR 11** be concurred in. Motion carried unanimously.

HJR 24 - Senator Cobb moved **HJR 24** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Gebhardt, Glaser, Grimes, Hansen, Harrington, Mahlum, McNutt, Pease, Perry, Ryan, Shea, Sprague, Stapleton, Taylor, Thomas.
Total 24

Nays: Bales, Butcher, DePratu, Ellingson, Esp, Johnson, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Roush, Squires, Story, Tash, Toole, Tropila, Wheat, Zook, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 28 - Senator Gebhardt moved **HJR 28** be concurred in. Motion carried unanimously.

HB 298 - Senator McGee moved **HB 298**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "A FEE"

2. Title, page 1, line 6.

Following: "FOR"

Insert: "CERTAIN COSTS OF"

3. Page 1, line 12.

Strike: "fees"

Insert: "actual costs"

4. Page 1, line 27 through page 1, line 29.

Strike: "establish" through "SECTION" on line 29

Insert: "collect actual costs for the review for errors and omissions in calculation or drafting, as provided in 76-3-611(2)(a)"

5. Page 2, line 3.

Strike: "fees"

Insert: "actual costs"

6. Page 2, line 27 through line 29.

Strike: "establish" on line 27 through "SECTION" on line 29

Insert: "collect actual costs for the review for errors and omissions in calculation or drafting, as provided in 76-3-611(2)(a)"

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Amendment **adopted** unanimously.

HB 298 - Senator Wheat moved **HB 298**, as amended, be concurred in. Motion carried unanimously.

SB 443 - Senator F. Thomas moved consideration of **SB 443** be passed for the day. Motion carried.

HB 129 - Senator Hansen moved **HB 129** be concurred in. Motion carried unanimously.

HB 157 - Senator Hansen moved **HB 157** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Taylor moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 30 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 60 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 123, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 44

Nays: Glaser.
Total 1

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 176 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 443 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 28

Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Johnson, Mangan, Nelson, Pease, Ryan, Squires, Stonington, Toole, Tropila, Wheat.
Total 18

Paired: Grimes, Aye; Stonington, No.

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Tester.
Total 4

HB 656 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 683 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Zook.
Total 37

Nays: Ellingson, Hansen, Mangan, Roush, Ryan, Toole, Wheat, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 4, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 5 concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 43

Nays: Bales, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

MOTIONS

HB 403 - Senator Thomas moved the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House to confer on Senate amendments to **HB 403**. The President appointed the following members:

Senator Anderson, chairman
Senator DePratu
Senator Cocchiarella

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, March 24, 2003. Motion carried.

Senate adjourned at 2:23 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate

**SENATE JOURNAL
58TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 25, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Schmidt, excused. Quorum present.

The presiding officer has authenticated the daily journal for the sixty-second legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly engrossed: **SB 54, SB 169, SB 190, SB 197, SB 277, SB 289, SB 298, SB 388, SB 433, SB 435, SB 527, SB 653.**

Correctly enrolled: **SB 109, SB 143.**

BUSINESS AND LABOR (Mahlum, Chairman):
HB 507, be concurred in. Report adopted.

3/24/2003

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):
HJR 12, be concurred in. Report adopted.

3/25/2003

JUDICIARY (Grimes, Chairman):
HB 155, be amended as follows:

3/25/2003

1. Page 54, line 16.

Following: "instruction."

Insert: "(1)"

Strike: "___ Bill No. ___ [LC219]"

Insert: "House Bill No. 87"

2. Page 54.

Following: line 18

Insert: "(2) If House Bill No. 201 and [this act] are both passed and approved, then:

(a) [section 13] of House Bill No. 201, amending 13-13-211, is void and [section 35] of [this act], amending 13-13-211, must read as follows:

Insert: "**Section 35.** Section 13-13-211, MCA, is amended to read:

"13-13-211. Time period for application. ~~An~~ (1) Except as provided in 13-13-222, [section 4 of House Bill No. 201], and subsection (2) of this section, an application for an absentee ballot must be made during a period beginning 75 days before the day of election and ending at noon on the day before the election.

(2) ~~However, a~~ A qualified elector who is prevented from voting at the polls as a result of illness or health emergency occurring between 5 p.m. of the Friday preceding the election and noon on election day may request to vote by absentee ballot as provided in 13-13-212(3)."

(b) [section 16] of House Bill No. 201, amending 13-13-214, is void and [section 37 of this act], amending 13-13-214, must read as follows:

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Insert: "Section 37. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official paper absentee ballots are printed, the election administrator shall immediately send by mail, postage prepaid, to each elector from whom the election administrator has received a valid application under 13-13-211 and 13-13-212 whatever official ballots are necessary. ~~Ballots must be sent immediately to electors submitting valid requests after the official ballots are printed.~~

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) ~~a self-addressed an~~ envelope for the return of the ballots. ~~An~~ The envelope must be self-addressed by the election administrator and an affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall ~~stamp~~ ensure that the ballots provided to an absentee elector are marked as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

~~(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.~~

~~(5)~~(4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

~~(6)~~(5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return ~~and verification~~ envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector;

(b) the elector is out of the state or will be out of the state at the time of the election; and

(c) the elector requests a voter information pamphlet.

~~(7) The return envelope must be self-addressed to the election administrator."~~

(3) If both [this act] and House Bill No. 190 are passed and approved, then:

(a) [section 40 of this act], amending 13-13-231, is void.

(b) [section 41 of this act], amending 13-13-232, is void.

(c) [section 44 of this act], amending 13-13-241, is void.

(d) [section 45 of this act], amending 13-13-244, must read as follows:

"Section 45. Section 13-13-244, MCA, is amended to read:

"13-13-244. Opening of return envelopes after deposit. If ~~an~~ a return envelope containing an absentee ballot has been deposited unopened in the ballot box and the envelope has not been marked rejected, the return envelope ~~shall~~ must be opened without a court order and the ballot cast processed as provided in 13-13-241."

And, as amended, be concurred in. Report adopted.

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HB 224, be amended as follows:

1. Title, line 6.

Following: the first "OF"

Strike: "DISTRICT COURTS TO SET THE COMPENSATION OF"

Insert: "COUNTIES TO APPOINT"

2. Title, page 7 through page 8.

Following: "MASTERS;" on line 7

Strike: remainder of line 7 through "COURT;" on line 8

3. Title, line 10 through line 11.

Following: "SYSTEM;" on line 10

Strike: remainder of line 10 through the first "MCA;" on line 11

4. Title, line 11.

Following: "REPEALING"

Strike: "SECTION"

Insert: "SECTIONS 3-5-123 AND"

5. Page 1, line 16 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 1, line 28.

Following: "Repealer."

Strike: "Section"

Insert: "Sections 3-5-123 and"

Following: "MCA,"

Strike: "is"

Insert: "are"

And, as amended, be concurred in. Report adopted.

HB 308, be amended as follows:

1. Title, line 4.

Following: "CLARIFYING"

Strike: "THAT A"

Insert: "THE REQUIREMENTS FOR"

Following: "VIOLENT"

Strike: "OFFENDER MUST"

Insert: "OFFENDERS TO"

2. Title, line 6.

Strike: "PROVIDING THAT A"

Insert: "REQUIRING CERTAIN"

Following: "VIOLENT"

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Strike: "OFFENDER"
Insert: "OFFENDERS"
Following: "WHO"
Strike: "IS"
Insert: "ARE"
Following: "REGISTER"
Strike: "MUST"
Insert: "TO"

3. Page 2, line 6.
Following: "(5)"
Insert: "(a)"
Strike: "The"
Insert: "An"
Following: "responsible"
Insert: "who was given a level 3 designation under 46-23-509"

4. Page 2, line 13.
Following: line 12
Insert: "(b) An offender not required to pay costs by subsection (5)(a) shall, if able, pay the costs required by subsection (5)(a) if the court, in its discretion, orders the offender to pay."

5. Page 3, line 19.
Following: "(4)"
Insert: "(a)"
Strike: "The"
Insert: "An"
Following: "offender"
Insert: "who was given a level 3 designation under 46-23-509"

6. Page 3, line 24.
Following: line 23
Insert: "(b) An offender not required to pay costs by subsection (4)(a) shall, if able, pay the costs required by subsection (4)(a) if the court, in its discretion, orders the offender to pay."

And, as amended, be concurred in. Report adopted.

HB 453, be amended as follows:

1. Title, page 1, line 4.
Strike: "AND"
Insert: ", "
2. Title, page 1, line 5.
Following: "INCOME"
Insert: ", AND ASSETS"

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3. Page 2, line 8.

Following: "(4)"

Insert: "An inmate is responsible for the inmate's medical and dental expenses and is obligated to repay the department for reasonable costs incurred by the department for the inmate's medical and dental expenses."

4. Page 2, line 9.

Following: "expenses"

Insert: "any assets of the inmate or"

Strike: "earned by or accruing to an"

Insert: "of the"

And, as amended, be concurred in. Report adopted.

HB 496, be concurred in. Report adopted.

HB 521, be amended as follows:

1. Title, line 7.

Following: "FACILITY;"

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 1.

Following: "and is"

Strike: "only"

Following: "payable"

Insert: "only"

4. Page 2, line 9.

Following: "officer"

Strike: "of this state"

Following: "facility"

Insert: "of this state"

5. Page 2, line 13.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (O'Neil, Chairman):

3/24/2003

HB 499, be amended as follows:

1. Page 7, line 15.

Strike: "in" through "department"

And, as amended, be concurred in. Report adopted.

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HB 647, be amended as follows:

1. Title, page 1, line 10.

Strike: "50-16-205,"

2. Page 1, line 25.

Strike: "or"

Following: "dentists"

Insert: ", physician assistants-certified, professional counselors, or social workers"

3. Page 1, line 29.

Strike: "medical treatment"

Insert: "health services"

4. Page 2, line 1.

Strike: "medical or surgical care or"

Insert: "health"

Following: "services"

Insert: "and to control access to protected health care information"

5. Page 2, line 2.

Strike: "medical or surgical care or"

Insert: "health"

6. Page 2, line 3.

Following: "state"

Insert: "a"

Strike: "an unemancipated"

Insert: "a"

7. Page 4, line 20 through line 24.

Strike: section 6 in its entirety

Renumber: subsequent sections

8. Page 7, line 11.

Strike: "consented"

Insert: "authorized"

Following: "writing"

Strike: "to"

9. Page 10, line 23.

Following: "Sections"

Strike: "16"

Insert: "15"

10. Page 10, line 28.

Following: "sections"

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Strike: "16"

Insert: "15"

11. Page 12, line 1.

Strike: "A"

Insert: "To the extent provided in 39-71-604 and 50-16-527, a"

12. Page 12, line 3 through line 11.

Following: "provider." on line 3

Strike: "The" through "law." on line 11

13. Page 12, line 21.

Strike: "consented"

Insert: "authorized"

Following: "writing"

Strike: "to"

14. Page 13, line 10.

Following: "Sections"

Strike: "16"

Insert: "15"

15. Page 13, line 13.

Insert: "NEW SECTION. Section 21. Method of compulsory process. (1) Unless the court for good cause shown determines that the notification should be waived or modified, if health care information is sought under [section 20(1)(b), (1)(d), or (1)(e)] or in a civil proceeding or investigation under [section 20(1)(i)], the person seeking compulsory process or discovery shall mail a notice by first-class mail to the patient or the patient's attorney of record of the compulsory process or discovery request at least 10 days before presenting the certificate required under subsection (2) of this section to the health care provider.

(2) Service of compulsory process or discovery requests upon a health care provider must be accompanied by a written certification, signed by the person seeking to obtain health care information or by the person's authorized representative, identifying at least one subsection of [section 20] under which compulsory process or discovery is being sought. The certification must also state, in the case of information sought under [section 20(1)(b), (1)(d), or (1)(e)] or in a civil proceeding under [section 20(1)(i)], that the requirements of subsection (1) of this section for notice have been met. A person may sign the certification only if the person reasonably believes that the subsection of [section 20] identified in the certification provides an appropriate basis for the use of compulsory process or discovery. Unless otherwise ordered by the court, the health care provider shall maintain a copy of the process and the written certification as a permanent part of the patient's health care information.

(3) In response to service of compulsory process or discovery requests, when authorized by law, a health care provider may deny access to the requested health care information. If access to requested health care information is denied by the health care provider, the health care provider shall submit to the court by affidavit or other reasonable means an explanation of why the health care provider believes that the information should be protected from disclosure.

(4) When access to health care information is denied, the court may order disclosure of health care information, with or without restrictions as to its use, as the court considers necessary. In deciding whether to order disclosure, the court shall consider the explanation submitted by the health care provider and any arguments presented by interested parties.

(5) A health care provider required to disclose health care information pursuant to compulsory process may charge a reasonable fee, not to exceed the fee provided for in [section 22], and may deny examination or copying of the information until the fee is paid.

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(6) Production of health care information under [section 20] and this section does not in itself constitute a waiver of any privilege, objection, or defense existing under other law or rule of evidence or procedure."

Renumber: subsequent sections

16. Page 13, line 19.

Following: "sections"

Strike: "16"

Insert: "15"

17. Page 13, line 21.

Following: "sections"

Strike: "16"

Insert: "15"

18. Page 13, line 24.

Following: "sections"

Strike: "16"

Insert: "15"

19. Page 13, line 26.

Following: "sections"

Strike: "16"

Insert: "15"

20. Page 14, line 2.

Following: "sections"

Strike: "16"

Insert: "15"

21. Page 14, line 4.

Following: line 3

Insert: "(7) A health care provider who relies in good faith upon certification pursuant to [section 21] is considered to have received reasonable assurances and is not liable for disclosures made in reliance on that certification."

22. Page 14, line 9.

Strike: "9"

Insert: "8"

23. Page 14, line 11.

Strike: "9"

Insert: "8"

24. Page 14, line 12.

Strike: "16"

Insert: "15"

25. Page 14, line 13.

Strike: "16"

Insert: "15"

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And, as amended, be concurred in. Report adopted.

HB 681, be amended as follows:

1. Page 2, line 4.

Strike: "37-7-701"

Insert: "37-7-101"

And, as amended, be concurred in. Report adopted.

HB 693, be concurred in. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

3/25/2003

HB 218, be amended as follows:

1. Page 1, line 6.

Strike: "PROVIDE" through "REPORT,"

2. Title, page 1, line 7.

Strike: "POST" through "BOND,"

3. Title, page 1, line 9.

Strike: "EQUIPMENT PURCHASE,"

4. Title, page 1, line 15.

Strike: "TRANSPORTERS"

Insert: "OWNERS"

5. Title, page 1, line 23.

Strike: "CONSTRAINTS ON"

Insert: "RECOMMENDATIONS FOR"

6. Title, page 1, line 27.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

7. Page 2, line 1.

Strike: "12"

Insert: "10"

8. Page 2, line 4.

Strike: "12"

Insert: "10"

Strike: ":",

9. Page 2, line 5.

Strike: "(1)"

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10. Page 2, line 7 through line 10.

Strike: " AND" on line 7 through "ENVIRONMENT" on line 10

11. Page 2, line 12.

Strike: "12"

Insert: "10"

12. Page 2, line 30.

Strike: "EQUIPMENT PURCHASE."

13. Page 3, line 8.

Strike: " IF FEDERAL FUNDING IS INSUFFICIENT FOR TRAINING"

Following: " 1"

Insert: "and"

14. Page 3, line 10.

Strike: " 1"

Insert: " 1"

15. Page 3, lines 11 through 16.

Strike: subsections (2)(d), (2)(e), and (2)(f) in their entirety

16. Page 3, line 17.

Strike: "10(3)"

Insert: "9(3)"

17. Page 3, lined 23 through 24.

Strike: first "TRANSPORTER" on line 23

Insert: "owner"

Strike: "A TRANSPORTER" on line 23 through "SHIPMENTS OF" on line 24

Insert: "Prior to shipping"

Following: "STATE"

Strike: "WITHOUT PROVIDING"

Insert: ", an owner and the originating shipper if not the owner shall provide to the transporter and"

18. Page 3, line 25.

Following: "DIVISION"

Strike: "IN ADVANCE OF SHIPMENT"

Insert: ", within limits set by the regulating federal authority"

19. Page 3, lines 27 through 28.

Strike: "REPORT" on line 27

Insert: "plan"

Strike: "FORWARDED"

Insert: "submitted"

Strike: "DEPARTMENT" through the second "RAIL SHIPMENTS." on line 28

Insert: "disaster and emergency services division"

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20. Page 3, line 30.

Strike: "AND"

21. Page 4, line 1.

Strike: "BY CREW MEMBERS"

Insert: "of an owner's escorts"

22. Page 4, line 2.

Strike: "(C) A SAFETY PLAN THAT INCLUDES:"

23. Page 4, line 3.

Strike: "(I)"

Insert: "(iii)"

24. Page 4, line 4.

Strike: "(II)"

Insert: "(iv)"

25. Page 4, line 5.

Strike: "(III)"

Insert: "(v)"

26. Page 4, line 6.

Strike: "(D)"

Insert: "(c)"

Renumber: subsequent subsections

Strike: "TRANSPORTER"

Insert: "owner and the originating shipper if not the owner"

27. Page 4, line 8.

Strike: first "TRANSPORTER"

Insert: "owner"

Strike: second "TRANSPORTER"

Insert: "owner"

28. Page 4, lines 9 through 11.

Strike: "FOR \$25 MILLION" on line 9 through "SPILLING" on line 11

Insert: "as required by the regulating federal authority"

29. Page 4, line 14.

Strike: "A TRANSPORTER"

Insert: "An owner or the originating shipper if not the owner"

30. Page 4, line 15.

Strike: "NUCLEAR REGULATORY COMMISSION"

Insert: "regulating federal authority"

31. Page 4, line 23 through line 30.

Strike: "AND THE BOARDS" on line 23 through "NOTIFICATION LIST" on line 30

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Insert: "or other agencies as appropriate"

32. Page 5, line 2.

Strike: "9"

Insert: "8"

33. Page 5, lines 10 through 11.

Strike: "THAT IS" on line 10 through "carrier" on line 11

Insert: "designed for transport by truck"

34. Page 5, line 12.

Following: "cask"

Strike: "that is" through "state"

Insert: "designed for transport by rail"

35. Page 5, line 13.

Following: "cask"

Insert: "designed for transport by rail"

36. Page 5, line 17.

Strike: "AND TO THE TRANSPORTER"

Strike: "ONE-TRIP"

37. Page 5, line 30 through page 6, line 11.

Strike: section 8 in its entirety

Renumber: subsequent sections

38. Page 6, lines 25 through 26.

Strike: "MAY BE" on line 25 through "ROUTES" on line 28

Insert: "must be determined by the department of transportation and the appropriate regulating federal authority"

39. Page 7, line 9.

Following: "TRANSURANIC WASTE"

Insert: "may not"

Strike: "NO MORE"

Insert: "greater"

40. Page 7, line 10.

Strike: "40 MILES AN HOUR"

Insert: "the speed required by federal regulations"

41. Page 7, line 16.

Strike: "12"

Insert: "10"

42. Page 7, line 28.

Strike: "12"

Insert: "10"

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43. Page 8, line 1.

Strike: "A person or entity"

Insert: "An owner"

44. Page 8, line 2.

Strike: "10"

Insert: "9"

45. Page 8, line 4.

Following: "ANY"

Insert: "other"

Strike: "ASSESSED" through "12"

46. Page 8, line 5.

Strike: "TRANSPORTATION"

Insert: "justice"

47. Page 8, lines 7 through 9.

Strike: section 12 in its entirety

Renumber: subsequent sections

48. Page 8, line 11.

Strike: "12"

Insert: "10"

49. Page 8, line 13.

Strike: "12"

Insert: "10"

50. Page 8, line 20.

Strike: "ON PASSAGE AND APPROVAL"

Insert: "January 1, 2004"

And, as amended, be concurred in. Report adopted.

HB 253, be amended as follows:

1. Page 2.

Following: line 1

Insert: "NEW SECTION. Section 2. Coordination instruction. If [this act] and House Bill No. 468 are both passed and approved, then [section 1 of this act], amending 13-35-225, must read as follows:

"Section 1. Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous -- statement of accuracy -- prohibition. (1)(a) ~~Whenever a person makes an expenditure for the purpose of financing~~ All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising; ~~the communication~~ the communication must clearly and conspicuously ~~state~~ include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication; including in When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the

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candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(b) Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(c) (i) Printed election material described in subsection (1)(a) that includes information about a candidate's voting record must include a reference to the particular vote or votes upon which the information is based and a statement, signed as provided in subsection (1)(c)(ii), that to the best of the signer's knowledge, the statements made about the candidate's voting record are accurate and true.

(ii) The statement must be signed:

(A) by the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record; or

(B) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.

(2) The state seal may not be used in any election material described in this section.

(3) If a document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included, the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information, prior to its public distribution.

(4) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 5 days of the discovery or notification; and make every reasonable effort to

(b) bring the material into compliance with subsection (1) within 2 weeks; and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.'''''

And, as amended, be concurred in. Report adopted.

HB 468, be concurred in. Report adopted.

HB 532, be amended as follows:

1. Page 1, line 14.

Strike: "The"

Insert: "Except as provided in subsection (2), the"

2. Page 2, line 1.

Following: "held"

Insert: "as provided in this subsection"

And, as amended, be concurred in. Report adopted.

HB 686, be concurred in. Report adopted.

HB 731, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 24, 2003

The Honorable Bob Keenan

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President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 3** sponsored by Senator Harrington, **Senate Bill 14** sponsored by Senator McCarthy, **Senate Bill 17** sponsored by Senator McGee, **Senate Bill 21** sponsored by Senator McNutt, **Senate Bill 27** sponsored by Senator Johnson, **Senate Bill 32** sponsored by Senator Mahlum, **Senate Bill 33** sponsored by Senator Cobb, **Senate Bill 38** sponsored by Senator Mahlum, and **Senate Bill 40** sponsored by Senator Mahlum on March 24, 2003.

Sincerely,

JUDY MARTZ
Governor

MOTIONS

HB 610 - Senator Butcher moved the Senate reconsider its action in failing to concur in **HB 610** on third reading the previous legislative day. Motion carried.

HB 610 - Senator Butcher moved **HB 610** be placed on second reading the sixty-fourth legislative day, March 26, 2003. Motion carried.

SB 470 - Senator Mangan moved Black, Bohlinger, Cocchiarella, Cromley, DePratu, Ellingson, Glaser, Mahlum, McNutt, Sprague, Stapleton, Stonington, Story, Taylor and Wheat be added as sponsors to **SB 470**. Motion carried.

SB 332 and **SB 433** - Senator Thomas moved consideration of **SB 332** and **SB 433** on second reading this legislative day, be moved to second reading the 64th legislative day, March 26, 2003. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 484, introduced by Mangan, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Nelson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 700 - Senator Laible moved **HB 700** be concurred in. After introduction, Senator Stonington moved **HB 700**, second reading copy, be amended as follows:

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1. Title, line 11.

Following: "SOURCES"

Insert: ", EXCEPT ANY POINT SOURCE DISCHARGES RELATED TO COAL BED METHANE DEVELOPMENT"

2. Page 14, line 5.

Following: "discharges"

Insert: ", except any point source discharges related to coal bed methane development"

Amendment **not adopted** as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, Mangan, Nelson, Pease, Roush, Ryan, Stapleton, Stonington, Tester, Toole, Tropila, Wheat, Zook.

Total 22

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Squires, Story, Tash, Thomas, Mr. President.

Total 26

Absent or not voting: Taylor.

Total 1

Excused: Schmidt.

Total 1

Senator Schmidt present at this time.

HB 700 - Senator Laible's motion that **HB 700** be concurred in carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Harrington, Laible, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 27

Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Johnson, Kitzenberg, Mahlum, Mangan, Nelson, Pease, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 89 - Senator Tash moved **SB 89** do pass. Motion carried with Senators Barkus and Cobb voting nay.

SB 385 - Senator Mangan moved **SB 385** do pass. Motion carried as follows:

Yeas: Barkus, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires,

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Stapleton, Stonington, Tash, Taylor, Tester, Tropila, Wheat, Zook, Mr. President.
Total 33

Nays: Anderson, Bales, Black, Curtiss, DePratu, Esp, Glaser, Grimes, Johnson, Laible, McGee, McNutt, O'Neil, Perry, Story, Thomas, Toole.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 201 - Senator Wheat moved **HB 201** be concurred in. After discussion, Senator Wheat made a **substitute motion** that **HB 201**, second reading copy, be amended as follows:

1. Page 12, line 22.

Insert: "NEW SECTION. Section 25. Coordination instruction. If House Bill No. 190 and [this act] are both passed and approved, then [section 28 of House Bill No. 190] amending 13-13-212, is void and [section 14 of this act], amending 13-13-212, must read:

"**Section 14.** Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions.(1) An elector may apply for an absentee ballot, using only a standardized form provided by rule by the secretary of state, by making a written request, which must include the applicant's birth date and must be signed by the applicant, The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

~~_____ (2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:~~

~~_____ (a) as provided in subsection (1);~~

~~_____ (b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or~~

~~_____ (c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).~~

~~(3)~~(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection ~~(3)~~ (2) must be received by the election administrator by noon on election day.

~~(4)~~(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator.""

Amendment **adopted** unanimously.

HB 201 - Senator Wheat moved **HB 201**, as amended, be concurred in. Motion carried unanimously.

HB 222 - Senator Grimes moved **HB 222** be concurred in. Motion carried unanimously.

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HB 272 - Senator Johnson moved **HB 272** be concurred in. Motion carried with Senators Barkus, Esp and O'Neil voting nay.

HB 414 - Senator Pease moved **HB 414** be concurred in. Motion carried with Senators McGee, Ryan and Schmidt voting nay.

HB 548 - Senator Gebhardt moved **HB 548** be concurred in. Motion carried with Senator McGee voting nay.

HB 557 - Senator Bohlinger moved **HB 557** be concurred in. Motion carried unanimously.

HB 639 - Senator Cooney moved **HB 639** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 42

Nays: Black, Curtiss, Esp, Gebhardt, McGee, O'Neil, Perry, Stapleton.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 17 - Senator Bales moved **HJR 17** be concurred in. Motion carried with Senators Cromley, Esp, McGee and Stapleton voting nay.

HJR 30 - Senator Cobb moved **HJR 30** be concurred in. Motion carried as follows:

Yeas: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 39

Nays: Bales, Barkus, Black, Butcher, Curtiss, Esp, Gebhardt, McGee, Perry, Stapleton, Story.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Nelson moved the Committee of the Whole report be adopted. Report adopted

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unanimously.

SPECIAL ORDERS OF THE DAY

A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA

WHEREAS, Kristi Benson, an esteemed resident of Dillon and a student at Beaverhead County High, has achieved national recognition for exemplary volunteer service by receiving a 2003 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Benson earned this award by giving generously of her time and energy to create a non-profit organization that has raised more than \$27,000 to provide essential educational materials to public schools and students in her rural county that cannot afford to buy them; and

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Benson who use their considerable talents and resources to serve others;

NOW THEREFORE, pursuant to a motion of Senator Tash and Representative Barrett:

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA; that the 58th Legislature hereby congratulates and honors Ms. Benson as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

Senator Bill Tash

Representative Debby Barrett

Senator Bob Keenan
President of the Senate

Representative Doug Mood
Speaker of the House

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 469 passed as follows:

Yeas: Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Glaser, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook.

Total 33

Nays: Anderson, Bales, Barkus, Black, Cromley, Curtiss, Esp, Gebhardt, Grimes, Johnson, Laible, McGee, O'Neil, Perry, Sprague, Stapleton, Mr. President.

Total 17

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 169, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Johnson, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 190, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 32

Nays: Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Stonington, Tester, Toole, Tropila, Wheat.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298, as amended by the Senate concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: Curtiss.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 585 concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Bales, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

TAXATION (DePratu, Chairman):

3/25/2003

SB 462, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "used"

Insert: "specifically designed"

2. Page 1, line 20.

Following: "or"

Insert: "wood waste"

3. Page 1, line 21.

Strike: "and"

4. Page 1, line 22.

Strike: "renewable and reclaimable resources"

Insert: "byproducts of reforestation and fire management projects associated with dead, dying, and small diameter trees;
and

(d) used to process or reclaim tires in a manner that involves destruction of the tire carcasses"

5. Page 1, lines 23 and 24.

Strike: "but are not limited to"

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6. Page 1, line 25.

Strike: "health"

Insert: "renovation"

7. Page 1, line 27 through line 29.

Strike: "nonhazardous" on line 27 through "waste" on line 29

Insert: "tires"

And, as amended, do pass. Report adopted.

SB 470, introduced bill, be amended as follows:

1. Title, page 1, lines 12 through 15.

Strike: "REDUCING" ON line 12 through "RELIEF;" on line 15

Insert: "REMOVING THE TRIGGER FOR THE PHASE-OUT ELIMINATION OF CLASS EIGHT PROPERTY TAX; PROVIDING AN INDIVIDUAL INCOME TAX CAPITAL GAINS CREDIT; PROVIDING AN INDIVIDUAL INCOME TAX AND CORPORATE LICENSE TAX CREDIT FOR THE AMOUNT OF PROPERTY TAXES PAID FOR STATEWIDE SCHOOL AND UNIVERSITY SYSTEM PROPERTY TAX LEVIES; PROVIDING A REFUNDABLE INDIVIDUAL INCOME TAX CREDIT TO OFFSET PAYMENT OF SALES TAXES DETERMINED BY HOUSEHOLD COMBINED FEDERAL ADJUSTED GROSS INCOME; CLARIFYING THE DEFINITION OF "CONSUMER PRICE INDEX" RELATING TO INDIVIDUAL INCOME TAX PROVISIONS; AMENDING THE LIMITATIONS ON RECEIPTS FROM POLITICAL COMMITTEES TO CONFORM TO THE CHANGE IN THE DEFINITION OF "CONSUMER PRICE INDEX"; AMENDING THE INDIVIDUAL INCOME TAX INCOME BRACKETS AND RATES; LIMITING THE INDIVIDUAL INCOME TAX DEDUCTION FOR FEDERAL INCOME TAX PAID; AMENDING THE AMOUNT OF INDIVIDUAL INCOME TAX DEDUCTION AND EXEMPTION AMOUNTS; ESTABLISHING A REVENUE STABILIZATION AND DISASTER ACCOUNT THAT CAN BE APPROPRIATED ONLY AFTER A DECLARATION BY THE GOVERNOR AND BY A TWO-THIRDS VOTE OF EACH HOUSE OF THE LEGISLATURE; PROVIDING FOR A REFUND OF EXCESS SALES TAX REVENUE WHEN THE REVENUE STABILIZATION AND DISASTER ACCOUNT REACHES A THRESHOLD AMOUNT;"

2. Title, page 1, line 17.

Following: "FUND;"

Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

3. Title, page 1, line 17 through line 18.

Strike: "15-1-111, 15-1-112," line 17

Insert: "13-37-218,"

Strike: "15-10-420" on line 17 through "15-24-2002," on line 17

Insert: "15-6-138, 15-6-201, 15-16-101, 15-30-101, 15-30-103, 15-30-112, 15-30-121, 15-30-122, 15-30-142,"

Strike: "17-3-213,"

4. Title, page 1, line 19.

Strike: "20-5-324,"

Strike: "20-9-212,"

Strike: "20-9-331, 20-9-333,"

5. Page 1, line 20.

Strike: "20-9-347,"

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6. Title, page 1, line 21.

Following: "61-3-303,"

Insert: "AND"

Strike: "90-6-309, AND 90-6-403,"

Following: "MCA"

Insert: ", SECTION 25, CHAPTER 13, SPECIAL LAWS OF AUGUST 2002, AND SECTIONS 27 AND 31, CHAPTER 285, LAWS OF 1999"

Strike: "REPEALING SECTION 20-9-360, MCA;"

7. Title, page 1, line 22.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

8. Page 13, line 19.

Following: "following"

Insert: "business"

9. Page 13, line 25 through line 26.

Strike: ", except" on line 25 through "114)" on line 26

10. Page 14, line 23.

Strike: "exception"

Insert: "utilities"

11. Page 14, line 27.

Strike: "telecommunications services,"

Strike: "or"

Insert: "and"

12. Page 14, line 28.

Strike: "not"

13. Page 14, line 7.

Strike: "and"

14. Page 14, line 8.

Following: "5418)"

Insert: "; and

(j) fitness and recreational sports centers (NAICS industry 713940)"

15. Page 15, line 15.

Following: "Exemption"

Insert: " -- motor vehicles"

Following: "fuel."

Insert: "(1) The sale and use of a vehicle with a gross vehicle weight in excess of 12,000 pounds that is subject to a tax or fee imposed under Title 61, chapter 3, part 5, are exempt from the sales tax and use tax."

Renumber: subsequent subsections

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16. Page 16, line 5.

Following: "property"

Insert: ", other than a motor vehicle,"

17. Page 18, line 13.

Strike: "to miner or manufacturer"

Insert: "for manufacturing and mining uses"

Following: "sale"

Insert: "or use"

Following: "property"

Insert: "or a service"

18. Page 18, line 14.

Strike: "engaged in the business of mining or manufacturing"

19. Page 18, line 15.

Strike: "and"

20. Page 18, line 16 through line 20.

Strike: subsection (b) in its entirety

Insert: "(b) the purchaser is engaged in and uses the property or service in either of the following:

(i) mining. For the purposes of this section, the term "mining" means the carrying on of operations of any kind for the purpose of extracting from the earth any mineral, as defined in 15-38-103, and includes operations of any kind for the extraction of any mineral from any other mineral. The term does not include manufacturing.

(ii) manufacturing. For the purposes of this section, the term "manufacturing" has the meaning provided in the North American Industry Classification System Manual (1997) prepared by the United States office of management and budget.

(c) (i) the purchaser incorporates the property as an ingredient or component part of the product in the business of mining or manufacturing; or

(ii) the purchaser uses the property to extract a mineral and the property is required to be abandoned in place, in accordance with state regulations, when production of the mineral from a mine or wellhead permanently ceases.

(2) The sale or use of any chemical, reagent, or other substance that is used or consumed in the processing of ores or petroleum in a mill, smelter, refinery, or reduction facility or in acidizing oil wells is nontaxable if the purchaser has an exemption certificate and the purchaser is engaged in and uses the property or service in mining or manufacturing."

Renumber: subsequent subsection

21. Page 24, line 22.

Strike: "\$100 a month"

Insert: "\$2,500 a quarter"

22. Page 26, line 21.

Strike: "monthly"

23. Page 26, line 22 through line 25.

Following: "location"

Insert: "for each filing period"

Strike: "1.5%" on line 22 through "less" on line 25

Insert: "5% of tax liability up to \$100 and 0.5% of tax liability over \$100, not to exceed \$50 for each filing period"

Renumber: subsequent subsection

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24. Page 36, line 14 through page 37, line 1.

Strike: line 14 through line 1 in their entirety

Insert: "(a) for collections made during calendar year 2004:

(i) to direct state aid to schools, in an amount equal to the difference between 44.7% and 80% of the basic entitlement plus the 40% of the special education allowable cost payment; and

(ii) of the remainder:

(A) 60% to the revenue stabilization and disaster account established in [section 62]; and

(B) 40% to the state general fund;

(b) for collections made between January 1, 2005, and June 30, 2005:

(i) the amount necessary to the state general fund for reimbursement for increased direct state aid to schools, the tax credits for payments of statewide school levies, the low-income sales tax refundable income tax credit, the reduction of income tax rates, and the capital gains income tax credit; and

(ii) the balance to the revenue stabilization and disaster account established in [section 62];

(c) for each fiscal year beginning after June 30, 2005:

(i) the amount necessary to the state general fund for reimbursement for increased direct state aid to schools, the tax credits for payments of statewide school levies, the low-income sales tax refundable income tax credit, the reduction of income tax rates, and the capital gains income tax credit; and

(ii) the balance to the revenue stabilization and disaster account established in [section 62]."

Renumber: subsequent subsections

25. Page 37, line 6 through page 44, line 17.

Strike: sections 62 through 64 in their entirety

Insert: "NEW SECTION. Section 62. Revenue stabilization and disaster account. (1) There is within the state special revenue fund a revenue stabilization and disaster account. Except as provided in subsection (4), money in the account may be used only for extraordinary expenses relating to disasters or fiscal emergencies related to unanticipated sales tax revenue shortfalls. To appropriate money in the account, the governor shall declare that either a disaster or fiscal emergency as contemplated by this section exists and the legislature shall pass an implementing appropriation measure by a two-thirds vote of those present and voting in each house.

(2) The revenue stabilization and disaster account must be managed by the department of administration. Interest earned on the account must be retained in the state special revenue fund.

(3) Except as provided in subsection (4), the revenue stabilization and disaster account is limited to an amount equal to 6% of all general fund appropriations for the biennium, including statutory appropriations of the general fund. The amount in excess of the account limit must be distributed as provided in subsection (4).

(4) (a) If on July 1 the balance in the revenue stabilization and disaster account exceeds the account limit by at least \$15 million, the legislature may transfer an amount not to exceed 20% over the account limit to the state general fund and shall appropriate at least 80% of the amount in excess of the account limit to the department of revenue for distribution as a refund to income taxpayers who filed an income tax return for taxes due under 15-30-103 for the sales tax refund tax year. The sales tax refund tax year is the income tax year immediately preceding the previous calendar year. The amount available for refund must be refunded on a pro rata basis to each taxpayer who filed a state income tax return, pursuant to 15-30-103, for the sales tax refund tax year. The amount must be calculated by the department of revenue by dividing the amount available for refund by the total individual income tax liability as determined by the department from all returns for the sales tax refund tax year. The department of revenue shall calculate the amount of each taxpayer's refund based on the amount in the "total tax" line of the taxpayer's return. A refund may not be issued if the amount of the refund is \$10 or less. The payments must be mailed to the most current address for the taxpayer on the department's records no later than December 15.

(b) For the purposes of this subsection (4):

(i) the term "taxpayer" does not include a fiduciary or a beneficiary of an estate or trust who was required to file an income tax return pursuant to 15-30-135 unless a return was filed on behalf of a decedent;

(ii) a return filed using the filing status married filing jointly is considered to have been filed by a single

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taxpayer.

(5) The limit on the revenue stabilization and disaster account in subsection (3) must be multiplied by the inflation factor, as defined in 15-30-101, each year."

Insert: "NEW SECTION. Section 63. Sales tax refundable income tax credit. (1) One individual taxpayer in each household is allowed a credit against the taxes imposed by 15-30-103 to partially offset the payment of household sales taxes in an amount that is a percentage of the household combined federal adjusted gross income, as follows:

Household Combined Federal Adjusted Gross Income	Percentage Allowed
\$15,000 or less	3.1%
\$20,001 to \$25,000	1.15%
\$25,001 to \$30,000	0.575%
\$30,001 to \$35,000	0.30%
Over \$35,000	0.1%

(2) If the amount of the credit determined under subsection (1) is more than the amount of tax owed under 15-30-103, the excess must be refunded to the taxpayer.

(3) A fiduciary or a beneficiary of an estate or trust who was required to file an income tax return pursuant to 15-30-135 is not considered a taxpayer unless a return was filed on behalf of the decedent for the previous year."

Insert: "NEW SECTION. Section 64. Capital gains credit. An individual taxpayer is allowed a credit against the taxes imposed by 15-30-103 in an amount equal to 2% of the taxpayer's net capital gains as shown on the taxpayer's individual income tax return filed pursuant to 15-30-142. The credit allowed under this section may not exceed the taxpayer's income tax liability."

Insert: "NEW SECTION. Section 65. School equalization credit for individual. (1) (a) A taxpayer is entitled to a credit against the taxes imposed in 15-30-103.

(b) The amount of the credit is equal to the amount of property tax reported to the taxpayer under 15-16-101(2)(a)(vii) for the levies imposed in 15-10-107, 20-9-331, 20-9-333, and 20-9-360, not to exceed \$5,000.

(c) If the amount of the credit determined under this subsection (1) is more than the amount of tax owed under 15-30-103, the excess must be refunded to the taxpayer.

(2) A return filed using the filing status married filing jointly is considered to have been filed by one taxpayer.

(3) A fiduciary or a beneficiary of an estate or trust who was required to file an income tax return pursuant to 15-30-135 is not considered a taxpayer unless a return was filed on behalf of the decedent for the previous year."

Insert: "NEW SECTION. Section 66. State equalization credit -- penalty for violation. (1) A person who falsely or fraudulently claims the credit allowed in [section 65] shall pay as a penalty an amount equal to three times the amount of the credit claimed.

(2) The penalty imposed in this section is in addition to any other penalty imposed under this chapter and must be paid to the department for deposit in the state general fund."

Insert: "NEW SECTION. Section 67. School equalization credit for business. (1) (a) A taxpayer is entitled to a credit against the taxes imposed under this chapter.

(b) The amount of the credit is equal to the amount of property tax reported to the taxpayer under 15-16-101(2)(a)(vii) for the levies imposed in 15-10-107, 20-9-331, 20-9-333, and 20-9-360, not to exceed \$5,000.

(c) If the amount of the credit determined under this subsection (1) is more than the amount of tax owed under this chapter, the excess must be refunded to the taxpayer.

(2) If the credit under this section is claimed by a small business corporation, as defined in 15-30-1101, or a partnership, the credit must be attributed to shareholders or partners using the same proportion used to report the corporation's or partnership's income or loss for Montana income tax purposes."

Insert: "NEW SECTION. Section 68. State equalization credit -- penalty for violation. (1) A person who falsely

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or fraudulently claims the credit allowed in [section 67] shall pay as a penalty an amount equal to three times the amount of the credit claimed.

(2) The penalty imposed in this section is in addition to any other penalty imposed under this chapter and must be paid to the department for deposit in the state general fund."

Insert: "Section 69. Section 13-37-218, MCA, is amended to read:

"13-37-218. Limitations on receipts from political committees. A candidate for the state senate may receive no more than ~~\$1,000~~ \$2,300 in total combined monetary contributions from all political committees contributing to the candidate's campaign, and a candidate for the state house of representatives may receive no more than ~~\$600~~ \$1,400 in total combined monetary contributions from all political committees contributing to the candidate's campaign. The limitations in this section must be multiplied by the inflation factor as defined in 15-30-101 for the year in which general elections are held. The resulting figure must be rounded off to the nearest \$50 increment. The commissioner shall publish the revised limitations as a rule. In-kind contributions must be included in computing these limitation totals. The limitation provided in this section does not apply to contributions made by a political party eligible for a primary election under 13-10-601.""

Renumber: subsequent sections

26. Page 45, line 16 through page 53, line 23.

Strike: sections 66 through 72 in their entirety

Renumber: subsequent sections

Insert: "Section 71. Section 15-6-138, MCA, is amended to read:

"15-6-138. ~~(Temporary)~~ Class eight property -- description -- taxable percentage. (1) Class eight property includes:

- (a) all agricultural implements and equipment that are not exempt under 15-6-201(1)(bb);
- (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
- (c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
- (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors ~~as providers~~ as provided in 15-6-201, and supplies except those included in class five;
- (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;
- (f) special mobile equipment as defined in 61-1-104;
- (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
- (h) x-ray and medical and dental equipment;
- (i) citizens' band radios and mobile telephones;
- (j) radio and television broadcasting and transmitting equipment;
- (k) cable television systems;
- (l) coal and ore haulers;
- (m) theater projectors and sound equipment; and
- (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service,

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wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) If, in any year beginning with tax year 2004, the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 2.85% from the prior year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero:

———— (b) The department shall calculate the percentage growth in subsection (5)(a) by using the formula $(W/CPI)-1$, where:

———— (i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

———— (ii) CPI is the consumer price index for the most current available year used in subsection (5)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (5)(b)(i):

———— (c) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor:

———— (G) The class eight property of a person or business entity that owns an aggregate of \$5,000 or less in market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs. 27(2), 31(4), Ch. 285, L. 1999.)"

Insert: "Section 72. Section 15-6-201, MCA, is amended to read:

"15-6-201. (Temporary) Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

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(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) ~~the following percentage 31%~~ of the market value of residential property as described in 15-6-134(1)(e) and

(1)(f):

~~—— (i) 23% for tax year 2000;~~

~~—— (ii) 27.5% for tax year 2001; and~~

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- ~~_____ (iii) 31% for tax year 2002 and succeeding tax years;~~
(aa) the following percentage 13% of the market value of commercial property as described in 15-6-134(1)(g):
~~_____ (i) 9% for tax year 2000;~~
~~_____ (ii) 11% for tax year 2001; and~~
~~_____ (iii) 13% for tax year 2002 and succeeding tax years;~~
(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;
(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
 (i) the acquired cost of the personal property is less than \$15,000;
 (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
 (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
(dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility; and
(ee) light vehicles as defined in 61-1-139.
(2) (a) For the purposes of subsection (1)(e):
 (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:
 (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
 (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.
(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:
 (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
 (ii) held for future display; or
 (iii) used to house or store a public display.
(3) For the purposes of subsection (1)(bb):
 (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.
 (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

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(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

- (a) \$20,000 in the case of a single-family residential dwelling;
- (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

~~15-6-201. (Effective on occurrence of contingency) Exempt categories. (1) The following categories of property are exempt from taxation:~~

- ~~(a) except as provided in 15-24-1203, the property of:~~
 - ~~(i) the United States, except:~~
 - ~~(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or~~
 - ~~(B) as provided in 15-24-1103;~~
 - ~~(ii) the state, counties, cities, towns, and school districts;~~
 - ~~(iii) irrigation districts organized under the laws of Montana and not operating for profit;~~
 - ~~(iv) municipal corporations;~~
 - ~~(v) public libraries; and~~
 - ~~(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;~~
- ~~(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;~~
- ~~(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.~~
- ~~(d) property that is:~~
 - ~~(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;~~
 - ~~(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and~~
 - ~~(iii) not maintained and operated for private or corporate profit;~~
- ~~(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;~~
- ~~(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;~~
- ~~(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;~~
- ~~(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;~~
- ~~(i) truck canopy covers or toppers and campers;~~
- ~~(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;~~
- ~~(k) motor homes;~~
- ~~(l) all watercraft;~~
- ~~(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;~~
- ~~(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;~~
- ~~(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental~~

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impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

_____ (ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

_____ (p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

_____ (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

_____ (r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

_____ (A) construct, repair, and maintain improvements to real property; or

_____ (B) repair and maintain machinery, equipment, appliances, or other personal property;

_____ (ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

_____ (s) harness, saddlery, and other tack equipment;

_____ (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

_____ (u) timber as defined in 15-44-102;

_____ (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

_____ (w) all vehicles registered under 61-3-456;

_____ (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

_____ (ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

_____ (y) motorcycles and quadricycles;

_____ (z) the following percentage of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):

_____ (i) 23% for tax year 2000;

_____ (ii) 27.5% for tax year 2001; and

_____ (iii) 31% for tax year 2002 and succeeding tax years;

_____ (aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

_____ (i) 9% for tax year 2000;

_____ (ii) 11% for tax year 2001; and

_____ (iii) 13% for tax year 2002 and succeeding tax years;

_____ (bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;

_____ (cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

_____ (i) the acquired cost of the personal property is less than \$15,000;

_____ (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

_____ (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;

_____ (dd) all agricultural implements and equipment;

_____ (ee) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;

_____ (ff) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class five;

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_____ (gg) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

_____ (hh) special mobile equipment as defined in 61-1-104;

_____ (ii) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

_____ (jj) x-ray and medical and dental equipment;

_____ (kk) citizens' band radios and mobile telephones;

_____ (ll) radio and television broadcasting and transmitting equipment;

_____ (mm) cable television systems;

_____ (nn) coal and ore haulers;

_____ (oo) theater projectors and sound equipment; and

_____ (pp) light vehicles as defined in 61-1-139.

_____ (2) (a) For the purposes of subsection (1)(e):

_____ (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

_____ (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

_____ (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

_____ (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

_____ (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

_____ (i) actually used by the governmental entity or nonprofit organization as a part of its public display;

_____ (ii) held for future display; or

_____ (iii) used to house or store a public display.

_____ (3) For the purposes of subsection (1)(bb):

_____ (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

_____ (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

_____ (4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

_____ (a) \$20,000 in the case of a single-family residential dwelling;

_____ (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Insert: "Section 73. Section 15-16-101, MCA, is amended to read:

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"15-16-101. Treasurer to publish notice -- manner of publication. (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

(iii) the value of each mill in that county;

(iv) itemized city services and special improvement district assessments collected by the county;

(v) the number of the school district in which the property is located; ~~and~~

(vi) the amount of the total tax due that is levied as city tax, county tax, state tax, school district tax, and other tax; and

(vii) the amount of the total tax due that is levied pursuant to 15-10-107, 20-9-331, 20-9-333, and 20-9-360. The amount reported under this subsection (2)(a)(vii) is the amount of the school equalization credit that may be claimed under [section 65 or 67] because of the enactment of the sales tax. The notice must have a conspicuous explanation to the taxpayer that the amount is refundable through an income or corporate tax filing. The notice or a copy of the notice is intended to be saved for use when filing an individual or corporate tax return.

(b) If the property is the subject of a tax sale for which a tax sale certificate has been issued under 15-17-212, the notice must also include, in a manner calculated to draw attention, a statement that the property is the subject of a tax sale and that the taxpayer may contact the county treasurer for complete information.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection (2)(a)(iv) ready for mailing.

(4) The notice in every case must be published once a week for 2 weeks in a weekly or daily newspaper published in the county, if there is one, or if there is not, then by posting it in three public places. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of \$5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.""

Insert: "Section 74. Section 15-30-101, MCA, is amended to read:

"15-30-101. Definitions. For the purpose of this chapter, unless otherwise required by the context, the following definitions apply:

(1) "Base year structure" means the following elements of the income tax structure:

(a) the tax brackets established in 15-30-103, but unadjusted by 15-30-103(2), in effect on June 30 of the taxable year;

(b) the exemptions contained in 15-30-112, but unadjusted by 15-30-112(6), in effect on June 30 of the taxable year;

(c) the maximum standard deduction provided in 15-30-122, but unadjusted by 15-30-122(2), in effect on June 30 of the taxable year.

(2) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U) using the ~~1967~~ 1982-84 base of 100 as published by the bureau of labor statistics of the U.S. department of labor.

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- (3) "Corporation" or "C. corporation" means a corporation, limited liability company, or other entity:
- (a) that is treated as an association for federal income tax purposes;
 - (b) for which a valid election under section 1362 of the Internal Revenue Code (26 U.S.C. 1362) is not in effect;
- and
- (c) that is not a disregarded entity.
 - (4) "Department" means the department of revenue.
 - (5) "Disregarded entity" means a business entity:
 - (a) that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; or
 - (b) that is a qualified subchapter S. subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code (26 U.S.C. 1361(b)(3)).
 - (6) "Dividend" means:
 - (a) any distribution made by a C. corporation out of its earnings and profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends; and
 - (b) any distribution made by an S. corporation treated as a dividend for federal income tax purposes.
 - (7) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate.
 - (8) "Foreign government" means any jurisdiction other than the one embraced within the United States, its territories, and its possessions.
 - (9) "Gross income" means the taxpayer's gross income for federal income tax purposes as defined in section 61 of the Internal Revenue Code (26 U.S.C. 61) or as that section may be labeled or amended, excluding unemployment compensation included in federal gross income under the provisions of section 85 of the Internal Revenue Code (26 U.S.C. 85) as amended.
 - (10) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the tax year by the consumer price index for June ~~1980~~ 2004.
 - (11) "Information agents" includes all individuals and entities acting in whatever capacity, including lessees or mortgagors of real or personal property, fiduciaries, brokers, real estate brokers, employers, and all officers and employees of the state or of any municipal corporation or political subdivision of the state, having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income with respect to which any person or fiduciary is taxable under this chapter.
 - (12) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, or as it may be labeled or further amended. References to specific provisions of the Internal Revenue Code mean those provisions as they may be otherwise labeled or further amended.
 - (13) "Knowingly" is as defined in 45-2-101.
 - (14) "Limited liability company" means a limited liability company, domestic limited liability company, or a foreign limited liability company as defined in 35-8-102.
 - (15) "Limited liability partnership" means a limited liability partnership as defined in 35-10-102.
 - (16) "Lottery winnings" means income paid either in lump sum or in periodic payments to:
 - (a) a resident taxpayer on a lottery ticket; or
 - (b) a nonresident taxpayer on a lottery ticket purchased in Montana.
 - (17) (a) "Montana source income" means:
 - (i) wages, salary, tips, and other compensation for services performed in the state or while a resident of the state;
 - (ii) gain attributable to the sale or other transfer of tangible property located in the state, sold or otherwise transferred while a resident of the state, or used or held in connection with a trade, business, or occupation carried on in the state;
 - (iii) gain attributable to the sale or other transfer of intangible property received or accrued while a resident of the state;

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(iv) interest received or accrued while a resident of the state or from an installment sale of real property or tangible commercial or business personal property located in the state;

(v) dividends received or accrued while a resident of the state;

(vi) net income or loss derived from a trade, business, profession, or occupation carried on in the state or while a resident of the state;

(vii) net income or loss derived from farming activities carried on in the state or while a resident of the state;

(viii) net rents from real property and tangible personal property located in the state or received or accrued while a resident of the state;

(ix) net royalties from real property and from tangible real property to the extent the property is used in the state or the net royalties are received or accrued while a resident of the state. The extent of use in the state is determined by multiplying the royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the royalty period in the tax year and the denominator of which is the number of days of physical location of the property everywhere during all royalty periods in the tax year. If the physical location is unknown or unascertainable by the taxpayer, the property is considered used in the state in which it was located at the time the person paying the royalty obtained possession.

(x) patent royalties to the extent the person paying them employs the patent in production, fabrication, manufacturing, or other processing in the state, a patented product is produced in the state, or the royalties are received or accrued while a resident of the state;

(xi) net copyright royalties to the extent printing or other publication originates in the state or the royalties are received or accrued while a resident of the state;

(xii) partnership income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:

(A) derived from a trade, business, occupation, or profession carried on in the state;

(B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or

(C) taken into account while a resident of the state;

(xiii) an S. corporation's separately and nonseparately stated income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:

(A) derived from a trade, business, occupation, or profession carried on in the state;

(B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or

(C) taken into account while a resident of the state;

(xiv) social security benefits received or accrued while a resident of the state;

(xv) taxable individual retirement account distributions, annuities, pensions, and other retirement benefits received while a resident of the state; and

(xvi) any other income attributable to the state, including but not limited to lottery winnings, state and federal tax refunds, nonemployee compensation, recapture of tax benefits, and capital loss addbacks.

(b) The term does not include:

(i) compensation for military service of members of the armed services of the United States who are not Montana residents and who are residing in Montana solely by reason of compliance with military orders and does not include income derived from their personal property located in the state except with respect to personal property used in or arising from a trade or business carried on in Montana; or

(ii) interest paid on loans held by out-of-state financial institutions recognized as such in the state of their domicile, secured by mortgages, trust indentures, or other security interests on real or personal property located in the state, if the loan is originated by a lender doing business in Montana and assigned out-of-state and there is no activity conducted by the out-of-state lender in Montana except periodic inspection of the security.

(18) "Net income" means the adjusted gross income of a taxpayer less the deductions allowed by this chapter.

(19) "Nonresident" means a natural person who is not a resident.

(20) "Paid", for the purposes of the deductions and credits under this chapter, means paid or accrued or paid or incurred, and the terms "paid or accrued" and "paid or incurred" must be construed according to the method of accounting

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upon the basis of which the taxable income is computed under this chapter.

(21) "Partner" means a member of a partnership or a manager or member of any other entity, if treated as a partner for federal income tax purposes.

(22) "Partnership" means a general or limited partnership, limited liability partnership, limited liability company, or other entity, if treated as a partnership for federal income tax purposes.

(23) "Pass-through entity" means a partnership, an S. corporation, or a disregarded entity.

(24) "Pension and annuity income" means:

(a) systematic payments of a definitely determinable amount from a qualified pension plan, as that term is used in section 401 of the Internal Revenue Code (26 U.S.C. 401), or systematic payments received as the result of contributions made to a qualified pension plan that are paid to the recipient or recipient's beneficiary upon the cessation of employment;

(b) payments received as the result of past service and cessation of employment in the uniformed services of the United States;

(c) lump-sum distributions from pension or profit-sharing plans to the extent that the distributions are included in federal adjusted gross income;

(d) distributions from individual retirement, deferred compensation, and self-employed retirement plans recognized under sections 401 through 408 of the Internal Revenue Code (26 U.S.C. 401 through 408) to the extent that the distributions are not considered to be premature distributions for federal income tax purposes; or

(e) amounts received from fully matured, privately purchased annuity contracts after cessation of regular employment.

(25) "Purposely" is as defined in 45-2-101.

(26) "Received", for the purpose of computation of taxable income under this chapter, means received or accrued, and the term "received or accrued" must be construed according to the method of accounting upon the basis of which the taxable income is computed under this chapter.

(27) "Resident" applies only to natural persons and includes, for the purpose of determining liability to the tax imposed by this chapter with reference to the income of any taxable year, any person domiciled in the state of Montana and any other person who maintains a permanent place of abode within the state even though temporarily absent from the state and who has not established a residence elsewhere.

(28) "S. corporation" means an incorporated entity for which a valid election under section 1362 of the Internal Revenue Code (26 U.S.C. 1362) is in effect.

(29) "Stock dividends" means new stock issued, for surplus or profits capitalized, to shareholders in proportion to their previous holdings.

(30) "Taxable income" means the adjusted gross income of a taxpayer less the deductions and exemptions provided for in this chapter.

(31) ~~"Taxable year" or "tax year"~~ "Tax year" means the taxpayer's taxable year for federal income tax purposes.

(32) "Taxpayer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by this chapter and unless otherwise specifically provided does not include a C. corporation.""

Insert: "Section 75. Section 15-30-103, MCA, is amended to read:

"15-30-103. Rate of tax. (1) There ~~shall~~ must be levied, collected, and paid for each ~~taxable tax~~ year ~~commencing on or after December 31, 1968,~~ upon the taxable income of ~~every each~~ taxpayer subject to this tax, after making allowance for exemptions and deductions as ~~hereinafter~~ provided in this chapter, a tax on the ~~following~~ brackets of taxable income as adjusted under subsection (2) at the following rates:

(a) on the first ~~\$1,000~~ \$2,300 of taxable income or any part ~~thereof~~ of that income, ~~2%~~ 1%;

(b) on the next ~~\$1,000~~ \$1,800 of taxable income or any part ~~thereof~~ of that income, ~~3%~~ 2%;

(c) on the next ~~\$2,000~~ \$2,100 of taxable income or any part ~~thereof~~ of that income, ~~4%~~ 3%;

(d) on the next ~~\$2,000~~ \$2,200 of taxable income or any part ~~thereof~~ of that income, ~~5%~~ 4%;

(e) on the next ~~\$2,000~~ \$2,400 of taxable income or any part ~~thereof~~ of that income, ~~6%~~ 5%;

(f) on the next ~~\$2,000~~ \$3,100 of taxable income or any part ~~thereof~~ of that income, ~~7%~~ 6%;

(g) ~~on the next \$4,000 of taxable income or any part thereof, 8%;~~

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- _____ (h) ~~on the next \$6,000 of taxable income or any part thereof, 9%;~~
_____ (i) ~~on the next \$15,000 of taxable income or any part thereof, 10%;~~
_____ (j)(g) ~~on any taxable income in excess of \$35,000~~ \$13,900 ~~or any part thereof of that income, 11%~~ 6.9%.

(2) By November 1 of each year, the department shall multiply the bracket amount contained in subsection (1) by the inflation factor for that ~~taxable~~ tax year and round the cumulative brackets to the nearest \$100. The resulting adjusted brackets are effective for that ~~taxable~~ tax year and ~~shall must~~ be used as the basis for imposition of the tax in subsection (1) of this section.""

Insert: "Section 76. Section 15-30-112, MCA, is amended to read:

"15-30-112. Exemptions. (1) Except as provided in subsection (6), in the case of an individual, the exemptions provided by subsections (2) through (5) ~~shall must~~ be allowed as deductions in computing taxable income.

(2) (a) An exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the taxpayer all taxpayers.

(b) An additional exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the ~~taxable~~ tax year of the taxpayer begins, ~~has no~~ does not have gross income and is not the dependent of another taxpayer.

(3) (a) An additional exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the taxpayer if ~~he the taxpayer~~ has attained the age of 65 before the close of ~~his taxable the taxpayer's tax~~ year.

(b) An additional exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse has attained the age of 65 before the close of ~~such taxable the tax~~ year and, for the calendar year in which the ~~taxable~~ tax year of the taxpayer begins, ~~has no~~ does not have gross income and is not the dependent of another taxpayer.

(4) (a) An additional exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the taxpayer if ~~he the taxpayer~~ is blind at the close of ~~his taxable the taxpayer's tax~~ year.

(b) An additional exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse is blind and, for the calendar year in which the ~~taxable~~ tax year of the taxpayer begins, ~~has no~~ does not have gross income and is not the dependent of another taxpayer. For the purposes of this subsection (4)(b), the determination of whether the spouse is blind ~~shall must~~ be made as of the close of the ~~taxable~~ tax year of the taxpayer, except that if the spouse dies during ~~such taxable the tax~~ year, ~~such the~~ determination ~~shall must~~ be made as of the time of ~~such~~ death.

(c) For purposes of this subsection (4), an individual is blind only if ~~his the person's~~ central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if ~~his~~ visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision ~~such to an extent~~ that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(5) (a) An exemption of ~~\$800~~ \$1,840 ~~shall be is~~ allowed for ~~taxable years beginning after December 31, 1978;~~ for each dependent:

(i) whose gross income for the calendar year in which the ~~taxable~~ tax year of the taxpayer begins is less than \$800; or

(ii) who is a child of the taxpayer and who:

(A) has not attained the age of 19 years at the close of the calendar year in which the ~~taxable~~ tax year of the taxpayer begins; or

(B) is a student.

(b) ~~No An~~ exemption ~~shall be is~~ not allowed under this subsection (5) for ~~any a~~ dependent who has made a joint return with ~~his the dependent's~~ spouse for the ~~taxable~~ tax year beginning in the calendar year in which the ~~taxable~~ tax year of the taxpayer begins.

(c) For purposes of subsection (5)(a)(ii), the term "child" means an individual who is a son, stepson, daughter, or stepdaughter of the taxpayer.

(d) For purposes of subsection (5)(a)(ii)(B), the term "student" means an individual who, during each of 5

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calendar months during the calendar year in which the ~~taxable tax~~ year of the taxpayer begins:

- (i) is a full-time student at an educational institution; or
- (ii) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state. For purposes of this subsection (5)(d)(ii), the term "educational institution" means only an educational institution ~~which that~~ normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(6) The department, by November 1 of each year, shall multiply all the exemptions provided in this section by the inflation factor for that ~~taxable tax~~ year and round the product to the nearest \$10. The resulting adjusted exemptions are effective for that ~~taxable tax~~ year and ~~shall must~~ be used in calculating the tax imposed in 15-30-103."

Insert: "Section 77. Section 15-30-121, MCA, is amended to read:

"15-30-121. Deductions allowed in computing net income. (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code of 1954 (26 U.S.C. 161 and 211), or as sections 161 and 211 are labeled or amended, subject to the following exceptions, which are not deductible:

- (i) items provided for in 15-30-123;
- (ii) state income tax paid;
- (iii) premium payments for medical care as provided in subsection (1)(g)(i);
- (iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii);
- (b) federal income tax paid within the tax year, not to exceed \$5,000 for each taxpayer filing singly, head of household, or married filing separately or not to exceed \$10,000 for taxpayers using the filing status married filing jointly;

(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:

- (i) expenses for household and dependent care services necessary for gainful employment incurred for:
 - (A) a dependent under 15 years of age for whom an exemption can be claimed;
 - (B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and
 - (C) a spouse who is unable to provide self-care because of physical or mental illness;
- (ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

- (A) household services that are attributable to the care of the qualifying individual; and
- (B) care of an individual who qualifies under subsection (1)(c)(i);
- (iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:

(A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;

(B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:

- (I) \$2,400 in the case of one qualifying individual;
- (II) \$3,600 in the case of two qualifying individuals; and
- (III) \$4,800 in the case of three or more qualifying individuals;

(v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess

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of the combined adjusted gross income over \$18,000;

(vi) for purposes of this subsection (1)(c):

(A) married couples shall file a joint return or file separately on the same form;

(B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:

(I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or

(II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);

(C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;

(D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;

(E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;

(d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code (now repealed) that were in effect for the tax year ended December 31, 1978;

(e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;

(f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;

(g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:

(i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and

(ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:

(A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or

(B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;

(h) light vehicle registration fees, as provided for in 61-3-560 through 61-3-562, paid during the tax year; and

(i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

Insert: "Section 78. Section 15-30-122, MCA, is amended to read:

"15-30-122. Standard deduction. (1) A standard deduction equal to 20% of adjusted gross income is allowed if elected by the taxpayer on a return. The standard deduction is in lieu of all deductions allowed under 15-30-121. The minimum standard deduction is ~~\$665~~ \$1,530, as adjusted under the provisions of subsection (2), or 20% of adjusted gross income, whichever is greater, to a maximum standard deduction of ~~\$1,500~~ \$3,460, as adjusted under the provisions of subsection (2). However, in the case of a single joint return of husband and wife or in the case of a single individual who

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qualifies to file as a head of household on the federal income tax return, the minimum standard deduction is ~~\$1,330~~ twice the amount of the minimum standard deduction for a single return, as adjusted under the provisions of subsection (2), or 20% of adjusted gross income, whichever is greater, to a maximum standard deduction of ~~\$3,000~~ twice the amount of the maximum standard deduction for a single return, as adjusted under the provisions of subsection (2). The standard deduction may not be allowed to either the husband or the wife if the tax of one of the spouses is determined without regard to the standard deduction. For purposes of this section, the determination of whether an individual is married must be made as of the last day of the tax year unless one of the spouses dies during the tax year, in which case the determination must be made as of the date of death.

(2) By November 1 of each year, the department shall multiply both the minimum and the maximum standard deduction for single returns by the inflation factor for that tax year and round the product to the nearest \$10. ~~The minimum and maximum standard deduction for joint returns and qualified head of household returns must be twice the amount of the minimum and maximum standard deduction for single returns.~~ The resulting adjusted deductions are effective for that tax year and must be used in calculating the tax imposed in 15-30-103.""

Insert: "Section 79. Section 15-30-142, MCA, is amended to read:

"15-30-142. Returns and payment of tax -- penalty and interest -- refunds -- credits. (1) For both resident and nonresident taxpayers, each single individual and each married individual not filing a joint return with a spouse and having a gross income for the tax year of more than ~~\$1,500~~ \$3,460, as adjusted under the provisions of subsection (7), and married individuals not filing separate returns and having a combined gross income for the tax year of more than ~~\$3,000~~ \$6,920, as adjusted under the provisions of subsection (7), are liable for a return to be filed on forms and according to rules that the department may prescribe. The gross income amounts referred to in the preceding sentence must be increased by ~~\$800~~ \$1,840, as adjusted under the provisions of 15-30-112(6), for each additional personal exemption allowance that the taxpayer is entitled to claim for the taxpayer and the taxpayer's spouse under 15-30-112(3) and (4).

(2) In accordance with instructions set forth by the department, each taxpayer who is married and living with husband or wife and is required to file a return may, at the taxpayer's option, file a joint return with husband or wife even though one of the spouses has neither gross income nor deductions. If a joint return is made, the tax must be computed on the aggregate taxable income and the liability with respect to the tax is joint and several. If a joint return has been filed for a tax year, the spouses may not file separate returns after the time for filing the return of either has expired unless the department consents.

(3) If a taxpayer is unable to make the taxpayer's own return, the return must be made by an authorized agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

(4) All taxpayers, including but not limited to those subject to the provisions of 15-30-202 and 15-30-241, shall compute the amount of income tax payable and shall, at the time of filing the return required by this chapter, pay to the department any balance of income tax remaining unpaid after crediting the amount withheld, as provided by 15-30-202, and any payment made by reason of an estimated tax return provided for in 15-30-241. However, the tax computed must be greater by \$1 than the amount withheld and paid by estimated return as provided in this chapter. If the amount of tax withheld and the payment of estimated tax exceed by more than \$1 the amount of income tax as computed, the taxpayer is entitled to a refund of the excess.

(5) As soon as practicable after the return is filed, the department shall examine and verify the tax.

(6) If the amount of tax as verified is greater than the amount paid, the excess must be paid by the taxpayer to the department within 60 days after notice of the amount of the tax as computed, with interest added as provided in 15-1-216. In that case, there may not be a penalty because of the understatement if the deficiency is paid within 60 days after the first notice of the amount is mailed to the taxpayer.

(7) By November 1 of each year, the department shall multiply the minimum amount of gross income necessitating the filing of a return by the inflation factor for the tax year. These adjusted amounts are effective for that tax year, and persons who have gross incomes less than these adjusted amounts are not required to file a return.

(8) Individual income tax forms distributed by the department for each tax year must contain instructions and tables based on the adjusted base year structure for that tax year.""

Renumber: subsequent sections

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27. Page 63, line 25 through page 65, line 4.

Strike: section 74 in its entirety

Renumber: subsequent sections

28. Page 70, line 7 through page 72, line 2.

Strike: section 78 in its entirety

Renumber: subsequent sections

29. Page 72, line 14.

Following: "and"

Insert: "basic county tax for elementary equalization and"

30. Page 72, line 16.

Following: "and"

Insert: "basic county tax or high school equalization and"

31. Page 75, line 9 through page 76, line 30.

Strike: section 82 in its entirety

Renumber: subsequent sections

32. Page 81, line 6.

Following: "and"

Insert: "; and"

(f) a BASE budget levy on the taxable value of all property within the district"

33. Page 81, line 11 through page 83, line 15.

Strike: section 86 through section 87 in their entirety

Renumber: subsequent sections

34. Page 85, line 18 through page 86, line 8.

Strike: section 90 in its entirety

Renumber: subsequent sections

35. Page 98, line 15.

Following: "verification"

Insert: "from a motor vehicle dealer"

36. Page 98, line 16.

Following: "paid"

Insert: "or payment has been made to the county treasurer of the sales or use tax on the vehicle based upon the valuation determined under 61-3-503 for light vehicles or by a nationally recognized valuation guide specified by the department"

37. Page 100, line 26 through page 102, line 26.

Strike: section 103 through section 106 in their entirety

Insert: "Section 104. Section 25, Chapter 13, Special Laws of August 2002, is amended to read:

"Section 25. Section 244, Chapter 574, Laws of 2001, is amended to read:

"Section 244. School district block grants. (1) (a) ~~The Except for the district general fund, the~~ office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year

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2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate a portion of the block grant amount into each district's fiscal year 2002 budget as an anticipated revenue source by fund, except the district general fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

(2) If the ~~biennial~~ fiscal year 2003 appropriation provided in [section 248(1)] is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed. ~~If the appropriation for block grants is greater than or less than the amount received by schools from the sources enumerated in subsection (1), the office of public instruction shall prorate the amount appropriated based upon the fiscal year 2001 revenue.~~

(4) The average ~~amount~~ of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.""

Insert: "Section 105. Section 27, Chapter 285, Laws of 1999, is amended to read:

"Section 27. Repealer. ~~(†)~~ Sections 15-6-136, 15-24-901, 15-24-920, 15-24-926, 15-24-927, and 15-24-931, MCA, are repealed.

~~(2) Section 15-6-138, MCA, is repealed."~~

Insert: "Section 106. Section 31, Chapter 285, Laws of 1999, is amended to read:

"Section 31. Effective dates. (1) [Sections 1, 11, 12, 15, 22, 26, 28 through 30, and 32 and this section] are effective on passage and approval.

(2) [Sections 3 through 9 and 23] are effective July 1, 2000.

(3) [Sections 2, 10, 13, 14, 16 through 21, 24, 25, and 27~~(†)~~] are effective January 1, 2003.

~~(4) [Sections 13(1)(aa) through (1)(ll) and 27(2)] are effective if the tax rate in [section 12], amending 15-6-138, reaches zero."~~

Insert: "NEW SECTION. Section 107. **Contingent voidness -- election required by 2007.** [This act] is void on January 1, 2007, unless, by January 1, 2007, this section is repealed by a ballot issue at a statewide general election."

Renumber: subsequent sections

38. Page 102, line 30.

Strike: "[Section 61] is"

Insert: "[Sections 61 and 62] are"

39. Page 103, line 1.

Strike: "[section 61]"

Insert: "[sections 61 and 62]"

40. Page 103, line 2.

Strike: "[Section 62] is"

Insert: "[Sections 63 through 66] are"

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41. Page 103, line 3.

Strike: "[section 62]"

Insert: "[sections 63 through 66]"

42. Page 103, line 4.

Insert: "(4) [Sections 67 and 68] are intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [sections 67 and 68]."

43. Page 103, line 9.

Strike: "passage and approval"

Insert: "July 1, 2004"

44. Page 103, line 13 through line 14.

Strike: "(a)" on line 13 through "2003" on line 14

Insert: "[Sections 63, 64, 69, and 74 through 79] apply to tax years beginning after December 31, 2004.

(3) [Sections 65 through 68] apply to property taxes imposed after October 1, 2003"

45. Page 103, line 15 through line 16.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 478, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "LEVY"

Insert: "OR DOLLAR AMOUNT"

2. Page 1, line 25.

Strike: "The"

Insert: "If tax-billing software is capable, the"

3. Page 1, line 26.

Following: "levy"

Insert: "or dollar amount"

4. Page 1, line 26.

Following: "15-16-101(2)."

Insert: "The amount must also be reported to the department of administration pursuant to 7-6-4003."

5. Page 1, line 29.

Following: "under"

Insert: "7-1-2121 or"

Strike: "complying with the provisions of 7-1-4131"

And, as amended, do pass. Report adopted.

SB 480, do pass. Report adopted.

HB 517, be amended as follows:

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1. Title, line 4.

Strike: "AUTHORIZING"

Insert: "CLARIFYING THAT A CITY OR COUNTY MAY IMPOSE"

Strike: "THAT HAVE"

Insert: "EVEN IF THE AIRPORT OR AIRPORT AUTHORITY HAS"

2. Title, lines 5 through 7.

Following: "YEARS;" on line 5

Strike: remainder of line 5 through "AMOUNT;" on line 7

3. Page 3, lines 6 and 7.

Strike: "UP TO 2" on line 6

Following: "under" on line 6

Strike: remainder of line 6 through "OF" on line 7

Insert: "as authorized in"

4. Page 3, line 9 through line 11.

Following: "time." on line 9

Strike: remainder of line 9 through "year." on line 11

And, as amended, be concurred in. Report adopted.

HB 642, be amended as follows:

3/24/2003

1. Page 1, line 14.

Following: "adjustment"

Insert: "and tracking"

2. Page 1, line 17.

Following: "adjustment"

Insert: "and tracking"

3. Page 1, line 19.

Following: "PROTEST."

Insert: "The rate schedules must include permanent provisions for annual rate adjustments, including both tax increases and decreases."

4. Page 1, line 20.

Following: the first "on"

Insert: "January 1 following"

5. Page 1, line 24.

Following: "may"

Insert: ", "

Following: "schedule,"

Insert: "ask for comment and"

And, as amended, be concurred in. Report adopted.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Wednesday, March 26, 2003. Motion carried.

Senate adjourned at 3:06 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate

**HOUSE JOURNAL
58TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 8, 2003

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative D. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-eighth and sixty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 4/8/2003

Correctly enrolled: **HB 6, HB 8, HB 186, HB 195, HB 205, HB 230, HB 293, HB 384, HB 419, HB 431, HB 445, HB 456, HB 474, HB 482, HB 494, HB 501, HB 524, HB 546, HB 555, HB 579, HB 580, HB 591, HB 637, HB 678, HJR 12, HJR 26.**

Examined by the sponsor and found to be correct: **HB 6, HB 8, HB 186, HB 195, HB 205, HB 230, HB 293, HB 384, HB 419, HB 431, HB 445, HB 456, HB 474, HB 482, HB 494, HB 501, HB 524, HB 546, HB 555, HB 579, HB 580, HB 591, HB 637, HB 678, HJR 12, HJR 26.**

APPROPRIATIONS (Lewis, Chairman): 4/8/2003

HJR 41, be adopted. Report adopted.

SB 271, be amended as follows:

1. Title, line 4.

Strike: "REQUIRING THAT"

Insert: "AUTHORIZING"

2. Title, line 5.

Following: "REVENUE"

Insert: "TO"

3. Title, line 11.

Strike: "AND"

4. Title, line 13.

Following: "~~15-30-255,~~"

Insert: "39-51-1301, AND 39-51-2402,"

Strike: "AN IMMEDIATE"

Following: "EFFECTIVE"

Insert: "DATES AND A CONTINGENT TERMINATION"

5. Page 1, line 19.

Strike: "shall"

Insert: "may"

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6. Page 1, line 22.

Strike: "must"

Insert: "may"

7. Page 1, lines 26 and 27.

Strike: "shall" on line 26

Insert: "may"

Following: "prior to" on line 26

Strike: remainder of line 26 through "session" on line 27

Insert: "February 1, 2005"

8. Page 2, lines 4 through 6.

Strike: subsection (4) in its entirety

Insert: "(4) The chief information officer, in consultation with the director of the department of revenue and the commissioner of labor and industry, shall require that current withholding, combined oil and gas, and unemployment insurance data determined necessary for the replacement system be corrected. The correction must be verified through an independent audit conducted either directly or under contract by the legislative auditor."

9. Page 6, lines 23 through 27.

Strike: subsection (b) in its entirety

Insert: "(b) All appeals that have not been heard prior to the termination of the delegation of duties in subsection (5) must be made in accordance with the procedures identified in 39-51-1109."

10. Page 6, line 29.

Strike: "that have not been appealed"

11. Page 6, line 30.

Strike: "prior to"

Insert: "following"

12. Page 8.

Following: line 2

Insert: "**Section 4.** Section 39-51-1109, MCA, is amended to read:

"39-51-1109. Tax appeals -- procedure. (1) A decision, determination, or redetermination of the department involving an employer-employee relationship or the charging of benefit payments to employers is final unless an interested party entitled to notification submits a written appeal of the decision, determination, or redetermination. The appeal must be made in the same manner as provided in 39-71-415.

(2) A decision, determination, or redetermination involving contribution liability, contribution rate, application for refund, subject wages, or other ~~tax-related~~ contribution-related issues must be issued by the department ~~of revenue~~ as provided in Title 15, chapter 1, part 2, and 15-30-257, if applicable. The decision and is final unless an interested party entitled to notification ~~follows the uniform dispute review procedures as prescribed in 15-1-211 and 15-30-257, if applicable~~ submits a written appeal of the decision, determination, or redetermination. An appeal must be made in the same manner as provided in 39-51-2402 for the appeal of a decision relating to a claim for unemployment insurance benefits. Statutory rules of evidence and civil procedure do not apply to a hearing on the appeal. A hearing may be conducted by telephone or by video conference. The decision of the appeals referee and any subsequent appeal must be made in the same manner as provided in 39-51-2403 through 39-51-2410."

Renumber: subsequent sections

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13. Page 11.

Following: line 8

Insert: "Section 5. Section 39-51-1301, MCA, is amended to read:

"39-51-1301. Penalty and interest on past-due reports and taxes. (1) Failure to file reports and payments in a timely manner, as required under 39-51-603, 39-51-1103, and 39-51-1125, may subject an employer to penalty and interest, as provided by 15-1-216.

(2) There is an account in the federal special revenue fund. Penalties and interest collected for unemployment insurance obligations ~~are distributed as provided in 15-30-250 and~~ must be deposited in that account. Money deposited in that account and appropriated to the department or transferred by the department to its delegate, pursuant to 39-51-301(5), may only be used by the department or its delegate to administer this chapter, including the detection and collection of unpaid taxes and overpayments of benefits to the extent that federal grant revenue is less than amounts appropriated for this purpose. Money in the account not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.

(3) All money accruing to the unemployment insurance trust fund from interest and penalties collected on past-due unemployment insurance taxes must be used solely for the payment of unemployment insurance benefits and may not be used for any other purpose.""

"Section 6. Section 39-51-2402, MCA, is amended to read:

"39-51-2402. Initial determination -- redetermination. (1) A representative designated by the department and referred to as a deputy shall promptly examine the claim and, on the basis of the facts the deputy has found, the deputy shall determine whether or not the claim is valid. If the claim is valid, the deputy will determine the week the benefits commence, the weekly benefit amount payable, and the maximum benefit amount. The deputy may refer the claim or any question involved in the claim to an appeals referee who shall make the decision on the claim in accordance with the procedure prescribed in 39-51-2403. With respect to a determination, redetermination, or appeal by a claimant involving wages, the issue must be resolved in accordance with procedures for unemployment insurance benefit claimant appeals, as prescribed in 15-2-302 and 15-30-257 during the time that the department delegated the duties associated with the administration of unemployment insurance contributions to the department of revenue pursuant to 39-51-301. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons for reaching the decision.

(2) The deputy may for good cause reconsider the decision and shall promptly notify the claimant and other interested parties of the amended decision and the reasons for the decision.

(3) A determination or redetermination of an initial or additional claim may not be made under this section unless 5 days' notice of the time and place of the claimant's interview for examination of the claim is mailed to each interested party.

(4) A determination or redetermination is final unless an interested party entitled to notice of the decision applies for reconsideration of the determination or appeals the decision within 10 days after the notification was mailed to the interested party's last-known address. The 10-day period may be extended for good cause.

(5) Except as provided in subsection (6), a redetermination of a claim for benefits may not be made after 2 years from the date of the initial determination.

(6) A redetermination may be made within 3 years from the date of the initial determination of a claim if the initial determination was based on a false claim, misrepresentation, or failure to disclose a material fact by the claimant or the employer."

Renumber: subsequent sections

14. Page 11, line 16.

Strike: "date"

Insert: "dates -- contingency"

Following: "date."

Insert: "(1)"

Strike: "[This act]"

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Insert: "Except as provided in subsection (2), [this act]"

15. Page 11.

Following: line 17

Insert: "(2) [Sections 4 through 6] are effective on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated."

16. Page 11, line 18.

Insert: "NEW SECTION. Section 10. Contingent termination. (1) [Section 3] terminates on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated.

(2) The commissioner of labor and industry shall transmit a copy of the certification of the termination of duties to the code commissioner."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

4/7/2003

HJR 37, be adopted. Report adopted.

HJR 40, be adopted. Report adopted.

HJR 42, be adopted. Report adopted.

SB 446, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/8/2003

SB 34, introduced by Barkus

SB 65, introduced by Roush

SB 76, introduced by Schmidt

SB 80, introduced by Laible

SB 86, introduced by Zook

SB 98, introduced by Mangan

SB 105, introduced by Johnson

SB 110, introduced by Toole

SB 113, introduced by Esp

SB 137, introduced by DePratu

SB 143, introduced by Bohlinger

SB 146, introduced by Anderson

SB 152, introduced by Cocchiarella

SB 159, introduced by Johnson

SB 226, introduced by DePratu

House amendments to Senate joint resolution concurred in:

4/8/2003

SJR 24, introduced by O'Neil

House amendments to Senate bills *not* concurred in:

4/7/2003

SB 57, introduced by Keenan

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SB 126, introduced by Story

House bills concurred in and returned to the House:

4/8/2003

HB 124, introduced by A. Olson

HB 569, introduced by Gutsche

HB 602, introduced by Galvin-Halcro

HB 663, introduced by Laslovich

MESSAGES FROM THE GOVERNOR

April 7, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 41** sponsored by Representative Noennig, **House Bill 129** sponsored by Representative Gutsche, **House Bill 236** sponsored by Representative Erickson, **House Bill 272** sponsored by Representative Gillan et al., **House Bill 554** sponsored by Representative Kasten, and **House Bill 585** sponsored by Representative Franklin on April 7, 2003.

Sincerely,

JUDY MARTZ
Governor

April 7, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 441, "**AN ACT PROVIDING FOR THE PRORATION OF PROPERTY TAXES ON CENTRALLY ASSESSED PROPERTY WHEN LAND IS SUBDIVIDED; AND AMENDING SECTIONS 15-16-102 AND 76-3-207, MCA**" for the following reasons.

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House Bill No. 441 provides that before an individual parcel of land owned by a centrally assessed company may be subdivided, the Department of Revenue must determine a prorated assessed value and subsequent property tax liability attributed to the parcel of land being subdivided. And, once the tax liability for the parcel to be subdivided has been determined, the county treasurer may accept the payment of the prorated tax due (even though the payment is only a partial payment for total taxes owed by the centrally assessed company).

House Bill No. 441, in its current form, does not contain language that specifically states the prorated portion of the tax bill attributable to the portion of the land being sold must be paid prior to the division of the land. The amendatory veto language resolves that oversight. In addition, that was the clear intent of all parties affected by this bill. With the new language, after the prorated tax on the land being sold has been paid, the treasurer can then certify that all taxes and assessments have been paid on that portion, thus allowing the subdivision to proceed.

I have enclosed my amendment to that effect. Please be advised that the Department of Revenue concurs with this amendment. Further, please be advised that Representative Cyr, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 441

1. Page 3, line 14.

Following: "basis."

Insert: "The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold, before the division of land is made."

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 44, introduced by Fritz, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 197 - Senate Amendments - Representative Becker moved Senate amendments to **HB 197** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 277 - Senate Amendments - Representative Lindeen moved Senate amendments to **HB 277** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Everett, Kasten, Keane, Lange, Maedje, Newman, Pattison, Sales, Sinrud, Steinbeisser.

Total 11

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

HB 437 - Senate Amendments - Representative A. Olson moved Senate amendments to **HB 437** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 60

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Noennig, Parker, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 107 - Senate Amendments - Representative A. Olson moved Senate amendments to **HB 107** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumph, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Hawk, Juneau, Morgan, Sales, Sinrud.

Total 6

Excused: None.

Total 0

Absent or not voting: D. Brown, Maedje.

Total 2

HB 201 - Senate Amendments - Representative Jent moved Senate amendments to **HB 201** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 298 - Senate Amendments - Representative Younkin moved Senate amendments to **HB 298** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 90

Noes: Buzzas, P. Clark, Franklin, Golie, Gutsche, Kaufmann, Sinrud, Steinbeisser.
Total 8

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, Maedje.
Total 2

HB 304 - Senate Amendments - Representative A. Olson moved Senate amendments to **HB 304** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 58

Noes: Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 308 - Senate Amendments - Representative Musgrove moved Senate amendments to **HB 308** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 289 - Senate Amendments - Representative Newman moved Senate amendments to **HB 289** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Franklin, Golie, Jayne, Maedje.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 292 - Senate Amendments - Representative Younkin moved Senate amendments to **HB 292** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown,

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Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Buzzas, Kaufmann, Wanzenried.
Total 3

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

HB 299 - Senate Amendments - Representative Peterson moved Senate amendments to **HB 299** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: Bixby, Buzzas, Callahan, P. Clark, Cohenour, Erickson, Franklin, Gallik, Gillan, Golie, Gutsche, Kaufmann, Wanzenried, Wilson.
Total 14

Excused: None.
Total 0

Absent or not voting: Facey.
Total 1

HB 315 - Senate Amendments - Representative Lawson moved Senate amendments to **HB 315** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts,

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Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Laszloffy, Newman, Shockley.

Total 3

HB 317 - Senate Amendments - Representative Shockley moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Laszloffy.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 388 - Senate Amendments - Representative Lake moved Senate amendments to **HB 388** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Buzzas, Everett, Fisher, Gallus.

Total 4

HB 433 - Representative P. Clark moved consideration of **HB 433** be passed for the day. Motion carried.

HB 435 - Senate Amendments - Representative Sinrud moved Senate amendments to **HB 435** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Becker, Callahan, Carney, Erickson, Franklin, Galvin-Halcro, Gibson, Gillan, Laslovich, Musgrove.

Total 10

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

HB 453 - Senate Amendments - Representative Raser moved Senate amendments to **HB 453** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Buzzas, Erickson, Franklin, Jayne, Juneau.

Total 6

Excused: None.

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Total 0

Absent or not voting: Ryan.

Total 1

HB 478 - Senate Amendments - Representative Peterson moved Senate amendments to **HB 478** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Callahan, Franklin, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Wilson.

Total 9

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

HB 480 - Senate Amendments - Representative Steinbeisser moved Senate amendments to **HB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Mr. Speaker.

Total 82

Noes: R. Brown, Buzzas, Dowell, Erickson, Franklin, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Laszloffy, Newman, Noennig, Wanzenried, Wilson.

Total 16

Excused: None.

Total 0

Absent or not voting: P. Clark, Younkin.

Total 2

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HB 573 - Senate Amendments - Representative Parker moved Senate amendments to **HB 573** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, Pattison.
Total 2

HB 584 - Senate Amendments - Representative Barrett moved Senate amendments to **HB 584** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Harris.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 610 - Senate Amendments - Representative Bergren moved Senate amendments to **HB 610** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: P. Clark, B. Olson, Wanzenried.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 618 - Senate Amendments - Representative Dickenson moved Senate amendments to **HB 618** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Jayne.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 642 - Senate Amendments - Representative Devlin moved Senate amendments to **HB 642** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Gallik, Jayne, Parker.
Total 3

Excused: None.
Total 0

Absent or not voting: Shockley.
Total 1

HB 647 - Senate Amendments - Representative Thomas moved Senate amendments to **HB 647** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jent.
Total 1

HB 653 - Senate Amendments - Representative Lambert moved Senate amendments to **HB 653** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: Sales.
Total 1

HB 681 - Senate Amendments - Representative E. Clark moved Senate amendments to **HB 681** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 - Representative Parker moved consideration of **HB 703** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 90 - Senate Amendments - Representative E. Clark moved Senate amendments to **HB 90** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: Gibson.
Total 1

HB 130 - Senate Amendments - Representative Lewis moved Senate amendments to **HB 130** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Fisher, Wilson.
Total 2

HB 141 - Senate Amendments - Representative Lange moved Senate amendments to **HB 141** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Jayne, Mendenhall.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 203 - Senate Amendments - Representative A. Olson moved Senate amendments to **HB 203** be concurred in.

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Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 84

Noes: Buzzas, Carney, Dickenson, Gallik, Galvin-Halcro, Gutsche, Jacobson, Juneau, Kaufmann, Keane, Smith, Wanzenried.

Total 12

Excused: None.

Total 0

Absent or not voting: Franklin, Laslovich, Musgrove, Mr. Speaker.

Total 4

HB 213 - Senate Amendments - Representative Gallus moved Senate amendments to **HB 213** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: P. Clark.

Total 1

Excused: None.

Total 0

Absent or not voting: Fisher, Shockley.

Total 2

HB 247 - Senate Amendments - Representative Harris moved Senate amendments to **HB 247** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: P. Clark, Facey, Franklin, Hawk, Keane, Lawson, Mendenhall, Newman, Rice, Sales, Sinrud, Wagman, Waitschies.

Total 13

Excused: None.

Total 0

Absent or not voting: Gillan, Shockley.

Total 2

HB 256 - Senate Amendments - Representative Shockley moved Senate amendments to **HB 256** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Dowell, Erickson, Jayne, Juneau, Kaufmann, Wanzenried.

Total 7

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro, Gillan.

Total 2

HB 259 - Senate Amendments - Representative Maedje moved Senate amendments to **HB 259** be concurred in. Motion **failed** as follows:

Ayes: Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Dowell, Gallus, Hedges, Jackson, Kasten, Laslovich, Laszloffy, Maedje, A. Olson, B. Olson, Peterson, Rice, Ripley, Rome, Ryan, Sales, Wagman, Witt.

Total 22

Noes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney,

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Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Roberts, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 358 - Senate Amendments - Representative Lange moved Senate amendments to **HB 358** be concurred in. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Andersen, Ballantyne, Bergren, P. Clark, Cohenour, Franklin, Gallus, Kaufmann, Lewis, Rice, Ross, Waitschies, Wanzenried.

Total 13

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

HB 385 - Senate Amendments - Representative Fritz moved Senate amendments to **HB 385** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 - Senate Amendments - Representative Parker moved Senate amendments to **HB 703** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: P. Clark, Cohenour, Dowell, Erickson, Franklin, Galvin-Halcro, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Sales, Wanzenried, Weiss.
Total 15

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 17, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 20, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Dickenson, Erickson, Kaufmann, Malcolm, Ross, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 40, as amended by the Senate, passed as follows:

sen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Maedje.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 50, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Barrett, Fuchs, Gutsche.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 54, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser,

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Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 67, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 71

Noes: Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fuchs, Gillan, Jackson, Jayne, Kasten, Keane, Lambert, Laszloffy, Maedje, Morgan, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 76, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Erickson, Gutsche, Kaufmann, Sales.

Total 5

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 98, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 104, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 110, as amended by the Senate, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 123, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 88

Noes: Bixby, Erickson, Gillan, Gutsche, Harris, Juneau, Kaufmann, Malcolm, Pattison, Ryan, Smith, Waitschies.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Gallus, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 134, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Juneau.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 145, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Balyeat, R. Brown, Sales.
Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 155, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 157, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Dowell, Maedje, Malcolm, Pattison, Rice, Ross, Smith, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 161, as amended by the Senate, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 169, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Bixby, D. Brown, R. Brown, Everett, Golie, Kasten, Pattison, Sales, Sinrud, Thomas, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 170, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Gallus.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 171, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Juneau.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Gallus, Wilson.
Total 2

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 183, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 210, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 218, as amended by the Senate, passed as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 220, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Bixby, Gallus, Jayne, Juneau.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 222, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Jayne, Juneau.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 224, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Keane, Newman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 237, as amended by the Senate, passed as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Mr. Speaker.
Total 65

Noes: Ballantyne, Balyeat, R. Brown, Callahan, P. Clark, Dickenson, Dowell, Erickson, Franklin, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ryan, Sales, Sinrud, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin.
Total 35

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 269, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Buzzas, Dickenson, Sinrud, Wilson.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 303, as amended by the Senate, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 337, as amended by the Senate, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: D. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 481, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Dowell, Hawk, Kasten, Maedje, Sales, Shockley.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 499, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy,

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Witt, Younkin, Mr. Speaker.
Total 89

Noes: D. Brown, Fuchs, Jackson, Lake, Laszloffy, Maedje, Rice, Ross, Ryan, Shockley, Sinrud.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 527, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.
Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Buzzas.
Total 1

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Vice Chair
Representative Waitschies
Representative Laslovich

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 57**. Motion carried.

The Speaker appointed the following members:

Representative Thomas, Vice Chair
Representative Lange
Representative Gallus

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 107**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair
Representative Lehman
Representative Galvin-Halcro

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 197**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chair
Representative Thomas
Representative Becker

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 201**. Motion carried.

The Speaker appointed the following members:

Representative D. Brown, Chair

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Representative Wagman
Representative Jent

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 259**. Motion carried.

The Speaker appointed the following members:

Representative Maedje, Chair
Representative Lake
Representative Gallik

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 277**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair
Representative Haines
Representative Lindeen

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 298**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair
Representative Noennig
Representative Jacobson

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 304**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair
Representative Rice
Representative Ryan

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 308**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chair
Representative Stoker
Representative Musgrove

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a

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like committee from the Senate to confer on Senate amendments to **HB 642**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Chair
Representative Lambert
Representative Golie

Representative Bixby inquired about her letter to the Speaker declining her appointment to the Free Conference Committee on **HB 211**. The Speaker accepted her refusal to serve and was going to appoint Representative Juneau to the free conference committee on **HB 211**.

Representative Juneau requested on **HB 435, with Senate Amendments**, second reading today, that her vote be recorded as yes. There being no objection, so ordered.

SPECIAL ORDERS OF THE DAY

The Speaker asked Representative Jacobson to lead the house in singing Happy Birthday to Representative Gallus.

The following bill was removed from the consent calendar: **SB 454**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, April 9, 2003. Motion carried.

House adjourned at 3:32 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House

**SENATE JOURNAL
58TH LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 15, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

The presiding officer has authenticated the daily journal for the eightieth legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly engrossed: **HB 363, HB 559.**

Correctly enrolled: **SB 35, SB 46, SB 89, SB 194, SB 230, SB 232, SB 243, SB 244, SB 246, SB 247, SB 263, SB 270, SB 275, SB 282, SB 288, SB 321, SB 337, SB 344, SB 360, SB 363, SB 364, SB 370, SB 381, SB 383, SB 386, SB 387, SB 392, SB 400, SB 406, SB 423, SB 434, SB 441, SB 442, SB 444, SB 447, SB 458.**

Examined by the sponsor and found to be correct: **SR 4, SR 5.**

Signed by the President at 10:00 a.m., April 12, 2003: **SR 4, SR 5.**

Signed by the Secretary of the Senate at 8:00 a.m., April 14, 2003: **SR 4, SR 5.**

Delivered to the Secretary of State at 9:05 a.m., April 15, 2003: **SR 4, SR 5.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman):
SJR 30, introduced joint resolution, be amended as follows:

4/15/2003

1. Title, line 6 through 11.

Following: "EXAMINE" on line 6

Strike: remainder of line 6 through line 11

2. Title, line 13.

Following: line 12

Insert: "URGING MONTANA STATE UNIVERSITY TO REPORT RESEARCH RESULTS TO THE LEGISLATURE RELATED TO THE SAFETY OF GENETICALLY ENGINEERED GRAINS AND RELATED ISSUES; URGING THE OFFICE OF ECONOMIC DEVELOPMENT TO EXPLORE AND PROMOTE APPROPRIATE BIOTECHNOLOGY OPPORTUNITIES FOR MONTANA AGRICULTURAL PRODUCERS;"

3. Page 1, line 23.

Strike: "a majority"

Insert: "some"

4. Page 1, line 24.

Following: "markets"

Insert: "; and

WHEREAS, biotechnology holds great promise for the future in fighting grain diseases and in providing new niche markets similar to the present market for organic products; and

WHEREAS, questions continue to be raised about the safety of genetically engineered crops, necessitating scientific research to provide answers to those questions; and

WHEREAS, programs at Montana State University may provide the research not only to address safety, but also

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to provide recommendations regarding new genetically engineered grain varieties, the advisability and timing of their release, and the proper handling, production, transportation, marketing, testing, and disposition of new varieties; and

WHEREAS, the Office of Economic Development is an appropriate state agency to explore and promote biotechnology opportunities for Montana producers; and

WHEREAS, the Legislature desires to document credible findings regarding genetically engineered grains"

5. Page 1, line 29 through page 2, line 7.

Following: "examine" on line 29

Strike: remainder of line 29 through "(4)" on page 2, line 7

6. Page 2, line 9 through line 10.

Following: "study" on line 9

Strike: remainder of line 9 through "(1)" on line 10

7. Page 2, line 11.

Following: "representatives of"

Insert: "university and"

8. Page 2, line 12 through line 13.

Following: "entities" on line 12

Strike: remainder of line 12 through "Montana" on line 13

9. Page 2.

Following: line 13

Insert: "BE IT FURTHER RESOLVED, that the scope of the study include a review of any relevant studies from other sources.

BE IT FURTHER RESOLVED, that the study recommend any necessary coordination with applicable federal laws and consider laws of other states that may relate to the introduction of genetically engineered grains in Montana.

BE IT FURTHER RESOLVED, that Montana State University be urged to report to the study committee and to the agriculture committees of the 58th Legislature prior to September 15, 2004, regarding research efforts related to safety, new genetically engineered grain varieties, the advisability and timing of release, and the proper handling, production, transportation, marketing, testing, and disposition of new varieties, as well as any efforts to obtain federal funding to achieve the goals of this resolution for the benefit of Montana producers.

BE IT FURTHER RESOLVED, that the Office of Economic Development be urged to explore and promote appropriate biotechnology opportunities for Montana agricultural producers."

And, as amended, be adopted. Report adopted.

FINANCE AND CLAIMS (Zook, Chairman):

4/15/2003

HB 489, be concurred in. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

4/15/2003

SR 7, be adopted. Report adopted.

SR 8, be adopted. Report adopted.

SR 9, be adopted. Report adopted.

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PRELIMINARY REPORT

SR 10, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Joint Resolution 31**

Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Joint Resolution 31** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Joint Resolution 31** (reference copy -- salmon) be amended as follows:

1. Page 2, line 7.

Strike: "FOR GOOD CAUSE, ALLOW FOR THE REASONABLE EXTENSION OF"

Insert: "not count against"

2. Page 2, line 8.

Following: "assistance"

Insert: ", but it is not the intent of the Legislature to extend the 5-year limit on TANF assistance"

For the House:

B. Thomas, Chairman
Facey
Stoker

For the Senate:

Esp, Chairman
Cobb
Schmidt

MESSAGES FROM THE GOVERNOR

April 14, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 180** sponsored by Senator D. Ryan et al., **Senate Bill 283** sponsored by Senator Wheat, **Senate Bill 302** sponsored by Senator McCarthy et al., **Senate Bill 329** sponsored by Senator Mangan, **Senate Bill 331** sponsored by Senator Squires, and **Senate Bill 409** sponsored by Senator Stapleton et al. on April 14, 2003.

Sincerely,
JUDY MARTZ
Governor

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/14/2003

SB 314, introduced by McCarthy

SB 424, introduced by Nelson

Senate amendments to House bill **concurred in:** 4/15/2003

HB 701, introduced by Newman

House joint resolution passed and transmitted to the Senate for concurrence: 4/14/2003

HJR 36, introduced by Pattison

SB 304 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 304:** 4/14/2003

Representative Lewis, Chair

Representative Morgan

Representative Wilson

SB 330 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 330:** 4/14/2003

Representative Bitney, Chair

Representative Fuchs

Representative B. Ryan

SB 340 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 340:** 4/14/2003

Representative Barrett, Chair

Representative Everett

Representative Gutsche

SB 347 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 347:** 4/14/2003

Representative E. Clark, Chair

Representative Franklin

Representative Gallus

SB 349 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 349:** 4/14/2003

Representative Steinbeisser, Chair

Representative Keane

Representative Rome

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SB 362 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 362**:
4/14/2003

Representative Shockley, Chair
Representative Parker
Representative Sales

SB 375 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 375**:
4/14/2003

Representative Barrett, Chair
Representative Brueggeman
Representative Harris

SB 395 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference** Committee to meet with a like committee from the Senate to confer on House amendments to **SB 395**:
4/14/2003

Representative Balyeat, Chair
Representative Golie
Representative Wagman

SB 62 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 62**:
4/14/2003

Representative Laszloffy, Chair
Representative Carney
Representative Mendenhall

SB 130 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 130**:
4/14/2003

Representative Peterson, Chair
Representative Lawson
Representative Matthews

SB 252 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 252**:
4/14/2003

Representative Sinrud, Chair
Representative Gibson
Representative B. Olson

SB 271 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 271**:
4/14/2003

Representative Brueggeman, Chair
Representative Pattison
Representative Wanzenried

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SB 326 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 326**:

4/14/2003

Representative Younkin, Chair
Representative Everett
Representative Gillan

SB 360 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 360**:

4/14/2003

Representative McKenney, Chair
Representative Fisher
Representative Wilson

HB 190 - The House dissolved the Conference Committee on Senate amendments to **HB 190**, authorized the Speaker to appoint a **Free** Conference Committee, and request the Senate to appoint a like committee to confer on **HB 190**:

4/14/2003

Representative Younkin, Chair
Representative Hurwitz
Representative Windy Boy

HJR 31 - The House dissolved the Conference Committee on Senate amendments to **HJR 31**, authorized the Speaker to appoint a **Free** Conference Committee, and request the Senate to appoint a like committee to confer on **HJR 31**:

4/14/2003

Representative B. Thomas, Chair
Representative Facey
Representative Stoker

MOTIONS

SB 375 - Senator Thomas moved the Conference Committee to **SB 375** be dissolved and that the President be authorized to appoint a **Free** Conference Committee, and request the House to appoint a like committee to confer on **SB 375**. Motion carried. The President appointed the following members:

Senator Stapleton, Chair
Senator Perry
Senator Elliott

HB 190 - Senator Thomas moved the Conference Committee to **HB 190** be dissolved and that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on **HB 190**. Motion carried. The President appointed the following members:

Senator Cobb, Chair
Senator Sprague
Senator Squires

SB 349 - Senator Thomas moved the Conference Committee on **SB 349** be dissolved and that the President be authorized to appoint a **Conference** Committee, and request the House to appoint a like committee to confer on the House amendments to **SB 349**. Motion carried. The President appointed the following members:

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Senator Anderson, Chair
Senator Grimes
Senator Cocchiarella

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 36, introduced by Pattison, Andersen, Anderson, Bales, Balyeat, Barkus, Barrett, Bitney, Black, Bohlinger, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Butcher, E. Clark, Curtiss, DePratu, Devlin, Dickenson, Esp, Everett, Fisher, Fuchs, Gebhardt, Gillan, Glaser, Golie, Grimes, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Johnson, Kasten, Kaufmann, Keenan, Kitzenberg, Laible, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Lindeen, Maedje, Mahlum, Malcolm, McGee, McNutt, Mendenhall, Mood, Morgan, Nelson, O'Neil, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schmidt, Schrumpf, Sinrud, Sprague, Stapleton, Steinbeisser, Stoker, Story, Tash, Taylor, Tester, B. Thomas, F. Thomas, Tropila, Wagman, Waitschies, Weiss, Witt, Younkin, Zook, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Session 1

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Grimes in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 492 - Senator Johnson moved **SB 492** do pass. Motion carried unanimously.

SB 126 - Free Conference Committee Report No. 1 - Senator Story moved the **Free** Conference Committee report to **SB 126** be adopted. Motion carried unanimously.

HB 298 - Free Conference Committee Report No. 1 - Senator Gebhardt moved the **Free** Conference Committee report to **HB 298** be adopted. Motion carried unanimously.

HB 564 - Free Conference Committee Report No. 1 - Senator Mahlum moved the **Free** Conference Committee report to **HB 564** be adopted. Motion carried unanimously.

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Glaser moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 57, as amended by the Free Conference Committee Report No. 1, adopted as follows:

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Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101, as amended by the Governor, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Cooney, Elliott, Toole.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18, as amended by the House, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SJR 32 adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 42, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Cobb, Cooney, Cromley, Schmidt, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 94, as amended by the Governor, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Cromley, Esp.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 201, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 259, as amended by the Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Taylor.

Total 1

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 261, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, O'Neil, Pease, Perry, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Curtiss, Gebhardt, McGee, Nelson, Roush.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 277, as amended by the Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Shea, Sprague, Squires, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 37

Nays: Butcher, Cooney, Cromley, Ellingson, Elliott, Johnson, O'Neil, Ryan, Schmidt, Stapleton, Stonington, Tester, Toole.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 363, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Gebhardt, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 26

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Glaser, Hansen, Harrington, Mangan, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 24

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 408, as amended by the Governor, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Mangan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 441, as amended by the Governor, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 559, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 45

Nays: Curtiss, Roush, Ryan, Stapleton, Story.

Total 5

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 722, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Elliott, Mangan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 767, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 2, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Pease, Perry, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.
Total 32

Nays: Black, Bohlinger, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Mangan, McCarthy, Nelson, Roush, Ryan, Schmidt, Shea, Squires, Toole, Wheat.

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Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

HB 363 - Senator Harrington moved he be allowed to change his vote on **HB 363**, third reading this day, from yea to nay. Motion carried.

HB 363 - Senator Squires moved she be allowed to change her vote on **HB 363**, third reading this day, from yea to nay. Motion carried.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 326**
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 326** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 326** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Following: "REQUIRE"

Insert: "PROVIDING THAT A GROWTH POLICY MUST INCLUDE REQUIRED ELEMENTS BY OCTOBER 1, 2006, AND"

2. Title, line 13.

Following: "AREA;"

Insert: "PROVIDING THAT A GROWTH POLICY MAY COVER PART OF A JURISDICTIONAL AREA;"

3. Title, line 17.

Following: ";

Insert: "CONFORMING PROVISIONS IN THE ZONING AND SUBDIVISION LAWS TO THESE REVISIONS IN THE GROWTH POLICY LAWS; ELIMINATING THE REQUIREMENT THAT SUBDIVISION REGULATIONS BE IN ACCORDANCE WITH THE GOALS AND OBJECTIVES OF THE GROWTH POLICY WITHIN 1 YEAR OF ADOPTION OF A GROWTH POLICY;"

4. Title, line 18.

Strike: "AND"

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5. Title, line 19.

Following: "~~76-4-127,~~"

Insert: "76-2-201, 76-2-310, 76-3-210, 76-3-504, 76-3-505, 76-4-122, AND 76-4-127,"

6. Page 3, line 10.

Strike: "The"

Insert: "A"

7. Page 3, line 11.

Strike: "MUST"

Insert: "may"

Following: "part"

Insert: "or part"

8. Page 3, line 13.

Following: "(2)"

Insert: "A growth policy must include the elements listed in subsection (3) by October 1, 2006."

9. Page 6, line 13.

Following: "policy"

Insert: "pursuant to 76-1-601"

10. Page 6, line 20.

Following: "policy"

Insert: "is not a regulatory document and"

11. Page 6, line 24.

Following: "withhold,"

Insert: "withhold,"

Following: "on"

Insert: ", or impose conditions on"

12. Page 6, line 25.

Following: "act"

Insert: "or other authority to act"

13. Page 6, line 26.

Insert: "**Section 8.** Section 76-2-201, MCA, is amended to read:

"76-2-201. County zoning authorized. For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy ~~for the entire jurisdictional area~~ pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part.""

Insert: "**Section 9.** Section 76-2-310, MCA, is amended to read:

"76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries.

(1) Except as provided in 76-2-312 and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

(a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

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- (b) up to 2 miles beyond the limits of a city of the second class; and
- (c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities."

Insert: "Section 10. Section 76-3-210, MCA, is amended to read:

"76-3-210. Subdivisions exempted from requirement of an environmental assessment. (1) Subdivisions totally within a jurisdictional area that has adopted is covered by all of the following are considered to be in the public interest and are exempt from the requirement of an environmental assessment:

- (a) a growth policy adopted pursuant to chapter 1;
- (b) zoning regulations pursuant to 76-2-201 or chapter 2, part 3; and
- (c) a strategy for development, maintenance, and replacement of public infrastructure pursuant to 76-1-601.

(2) (a) A planning board established pursuant to chapter 1 may exempt a proposed subdivision within its jurisdictional area from the requirement for completion of any portion of the environmental assessment if:

- (i) the subdivision is proposed in an area for which a growth policy has been adopted pursuant to chapter 1 and the proposed subdivision will be in compliance with the growth policy; or
- (ii) the subdivision will contain fewer than 10 parcels and less than 20 acres.

(b) When an exemption is granted under this subsection (2), the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement must accompany the preliminary plat of the subdivision when it is submitted for review.

(c) ~~Where~~ If a properly established planning board having jurisdiction does not exist, the governing body may grant exemptions as specified in this subsection (2)."

Insert: "Section 11. Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) except as provided in 76-3-210, 76-3-509, or 76-3-609(3), require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(b) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(c) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(d) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(e) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(f) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that, at a minimum, meet the regulations adopted by the department of environmental quality under 76-4-104;

(iv) the location and installation of utilities;

(g) provide procedures for the administration of the park and open-space requirements of this chapter;

(h) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision. A utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body.

(i) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the

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water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(j) except as provided in this subsection, require the subdivider to establish ditch easements in the subdivision that are in locations of appropriate topographic characteristics and sufficient width, to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots; are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner. Establishment of easements pursuant to this subsection (1)(j) is not required if:

(i) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(ii) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(k) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

~~_____ (l) if the governing body has adopted a growth policy pursuant to chapter 1 of this title, be made in accordance with the goals and objectives established in the growth policy that are within the scope of 76-3-501 within 1 year of adoption of the growth policy;~~

~~(m)~~(l) require the subdivider to describe, dimension, and show utility easements in the subdivision on the final plat in their true and correct location. The utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of utility facilities for the provision of utility services within the subdivision.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.""

Insert: "Section 12. Section 76-3-505, MCA, is amended to read:

"76-3-505. Provision for summary review of minor subdivisions. (1) Local subdivision regulations must include procedures for the summary review and approval of subdivision plats containing five or fewer parcels when proper access to all lots is provided, when no land in the subdivision will be dedicated to public use for parks or playgrounds, and when the plats have been approved by the department of environmental quality whenever approval is required by part 1 of chapter 4; however, reasonable local regulations may contain additional requirements for summary approval.

(2) (a) Except when required by local subdivision regulations, proposed subdivisions eligible for summary review under this section that are located entirely within the ~~jurisdictional~~ area covered by a growth policy adopted pursuant to chapter 1 and zoning regulations adopted pursuant to chapter 2, part 2 or 3, are exempt from:

(i) the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605; and

(ii) review by the governing body of the criteria in 76-3-608(3)(a).

(b) The governing body shall approve, conditionally approve, or disapprove a proposed subdivision that is eligible for review under this subsection (2) within 35 days of submission of the subdivision application.""

Insert: "Section 13. Section 76-4-122, MCA, is amended to read:

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"76-4-122. Filing or recording of noncomplying plat or certificate of survey prohibited. (1) The county clerk and recorder may not file or record any plat or certificate of survey subject to review under this part showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat or certificate of survey subject to review under this part for filing until one of the following conditions has been met:

(a) the person wishing to file the plat or certificate of survey has obtained approval of the local health officer having jurisdiction and has filed the approval with the reviewing authority and a certificate of subdivision approval has been issued pursuant to 76-4-125 indicating that the reviewing authority has approved the subdivision application and that the subdivision is not subject to a sanitary restriction;

(b) the person wishing to file the plat or certificate of survey has obtained a certificate from the governing body pursuant to 76-4-127 that the subdivision is within ~~a jurisdictional area that has adopted~~ an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and will be provided with adequate municipal facilities and adequate storm water drainage; or

(c) the person wishing to file the plat or certificate of survey has placed on the plat or certificate of survey an acknowledged certification that the subdivision is exempt from review under this part. The certification must quote in its entirety the wording of the applicable exemption.""

Insert: "Section 14. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided. (1) To qualify for the exemption from review set out in 76-4-125(2)(d), the governing body, as defined in 76-3-103, shall, within 20 days after preliminary plat approval under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat or a final plat when a preliminary plat is not necessary;

(c) the number of proposed parcels in the subdivision;

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) certification that the subdivision is within ~~a jurisdictional area that has adopted~~ an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth policy, when applicable, if one has not yet been submitted to the reviewing authority;

(g) the relative location of the subdivision to the city or town;

(h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued;

(i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from the facility owners that adequate facilities are available; and

(j) certification that the governing body has reviewed and approved plans to ensure adequate storm water drainage.""

Renumber: subsequent sections

14. Page 11, line 3.

Strike: "(1)"

15. Page 11, line 4 through line 5.

Following: "APPROVED"

Strike: "AND" through "76-1-605"

Strike: "[SECTION 1] OF"

Strike: ", AMENDING" on line 4 through "76-1-605," on line 5

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16. Page 11, line 6 through line 7.
Strike: subsection (2) in its entirety

For the Senate:

McGee, Chairman
Laible
Wheat (unsigned)

For the House:

Younkin, Chairman
Everett
Gillan (unsigned)

FREE CONFERENCE COMMITTEE
on House Bill 197
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 197** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 197** (reference copy -- salmon) be amended as follows:

1. Page 19, line 29.

Following: line 28

Insert: "(7) If House Bill No. 195 and [this act] are both passed and approved, then [section 1 of House Bill No. 195], amending 61-2-302, is void.

(8) If House Bill No. 195 and [this act] are both passed and approved and Senate Bill No. 37 is not passed and approved, then 61-5-208 must read as follows:

Insert: "**Section 5.** Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- probationary license -- ignition interlock device required allowed on second or subsequent first offense. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways ~~for a period of more than 1 year~~, except as otherwise permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for ~~the a first~~ offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for ~~the a first~~ offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall ~~revoke~~ suspend the license or driving privilege of the person for a period of 1 year and, ~~upon issuance of any restricted may not issue a probationary license during the period of revocation, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device~~ suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license ~~revocation~~ suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If ~~a~~ the person pays the reinstatement fee required in 61-2-107 and provides the department proof of

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compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

~~(4) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).~~

~~(5)~~(4) (a) The Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(6)~~(5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.""

For the House:

Noennig, Chairman
B. Thomas (unsigned)
Becker

For the Senate:

Perry, Chairman
Mangan
Curtiss

FREE CONFERENCE COMMITTEE
on House Bill 536
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 536** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 536** (reference copy -- salmon) be amended as follows:

1. Page 1, line 25.

Following: "statement"

Strike: "must"

Insert: "may"

2. Page 1, line 28.

Following: "manager"

Strike: "shall"

Insert: "may"

3. Page 3, line 9.

Following: "AGENT"

Insert: "of either"

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4. Page 3, line 22.

Following: "who"

Strike: "complies with subsections"

Insert: "provides the disclosure in subsection"

5. Page 3, line 23.

Following: "and"

Insert: "complies with subsection"

For the House:

Brueggeman, Chairman
Noennig
P. Clark

For the Senate:

Perry, Chairman
Black
Mangan (unsigned)

FREE CONFERENCE COMMITTEE
on **House Bill 689**
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 689** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 689** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "~~INFLATION~~"

Insert: "REVISING DEFINITIONS; REVISING REPORTING REQUIREMENTS; PROVIDING FOR ADJUSTMENT OF REPORTING THRESHOLD AMOUNTS FOR INFLATION;"

Following: "5-7-102;"

Insert: "5-7-102,"

2. Title, page 1, line 8.

Following: ";

Insert: ", 5-7-105,"

3. Title, page 1, line 9.

Following: "~~DATE~~"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 4, line 13.

Insert: "**Section 1.** Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Business" means:

(a) a holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed person, holding company, joint-stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

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- (b) present or past employment from which benefits, including retirement allowances, are received.
- (2) "Commissioner" means the commissioner of political practices.
- (3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.
- (4) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" also applies to the offices.
- (5) "Individual" means a human being.
- (6) "Lobbying" means:
 - (a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and
 - (b) the practice of promoting or opposing official action by any public official.
- (7) "Lobbying for hire" ~~includes activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is reimbursed only for his personal living and travel expenses, which together are less than \$1,000 per calendar year, that individual is not considered to be lobbying for hire.~~
 - ~~(8)~~(7) (a) "Lobbyist" means a person who engages in the practice of lobbying ~~for hire~~.
 - (b) Lobbyist does not include:
 - (i) an individual acting solely on ~~his~~ the individual's own behalf; ~~or~~
 - (ii) an individual working for the same principal as a licensed lobbyist if the individual does not have personal contact involving lobbying with a public official on behalf of ~~his~~ the lobbyist's principal; ~~or~~
 - (iii) an individual who receives payments from one or more persons that total less than the amount specified under [section 5] in a calendar year.
 - (c) Nothing in this ~~section~~ chapter deprives an individual who is not lobbying for hire a lobbyist of the constitutional right to communicate with public officials.
- ~~(9)~~(8) (a) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value;
 - (i) to a lobbyist to influence legislation or official action by an elected local official or a public official;
 - (ii) directly or indirectly;~~(10) "Payment to influence official action" means any of the following types of payment:~~
 - ~~(a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or reimbursement for lobbying expenses, excluding personal living expenses; or~~
 - ~~(b)~~(iii) payment in support of or assistance to a lobbyist or a lobbying activity, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.
 - (b) The term does not include payments or reimbursements for:
 - (i) personal and necessary living expenses; or
 - (ii) travel expenses, unless a principal is otherwise required to report expenses pursuant to 5-7-208.
- ~~(11)~~(9) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision of state or local government, or other organization or group of persons.
- ~~(12)~~(10) "Principal" means a person who employs a lobbyist or a person required to report pursuant to 5-7-208.
- ~~(13)~~(11) "Public official" means an individual, elected or appointed, acting in ~~his~~ an official capacity for ~~the~~ state government. The term does not include those acting in a judicial or quasi-judicial capacity or performing ministerial acts.
- ~~(14)~~(12) "Unprofessional conduct" means:
 - (a) violating any of the provisions of this chapter;
 - (b) instigating action by a public official for the purpose of obtaining employment;
 - (c) attempting to influence the action of a public official on a measure pending or to be proposed by:
 - (i) promising financial support; or
 - (ii) making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or
 - (d) attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or

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attempting to knowingly misrepresent pertinent facts of an official matter to a public official.""

Renumber: subsequent sections

5. Page 4, line 26.

Strike: "20"

Insert: "10"

6. Page 5, line 3.

Strike: "\$2,150"

Insert: "the amount specified under [section 5]"

7. Page 5, line 8.

Insert: "**Section 3.** Section 5-7-105, MCA, is amended to read:

"5-7-105. Suspension of lobbying privileges. ~~No~~ A lobbyist whose license has been suspended and ~~no~~ a person who has been adjudged guilty of a violation of any provision of this chapter may not engage in lobbying ~~for hire~~ until that person has been reinstated to the practice and duly licensed.""

Renumber: subsequent sections

8. Page 5, lines 12 and 13.

Strike: "A TOTAL OF \$2,150"

Insert: "the amount specified under [section 5]"

9. Page 7, line 4.

Insert: "**NEW SECTION. Section 5. Payment threshold -- inflation adjustment.** For calendar years 2002 through 2004, the payment threshold in 5-7-102 and 5-7-208 is \$2,150. The commissioner shall adjust the threshold amount following a general election by multiplying the threshold amount valid for the year in which the general election was held by an inflation factor, adopted by the commissioner by rule. The rule must be written to reflect the annual average change in the consumer price index from the prior year to the year in which the general election is held. The resulting figure must be rounded up or down to the nearest \$50 increment. The commissioner shall adopt the adjusted amount by rule."

Renumber: subsequent sections

10. Page 7, line 10.

Following: "approved"

Insert: ": (1) and amend 5-7-102, then 5-7-102(13)(c) of Senate Bill No. 7 must read:

"Nothing in this chapter deprives an individual who is not a lobbyist of the constitutional right to communicate with public officials."

(2) and amend 5-7-103"

11. Page 7, line 14.

Insert: "**NEW SECTION. Section 8. Codification instruction.** [Section 5] is intended to be codified as an integral part of Title 5, chapter 7, part 1, and the provisions of Title 5, chapter 7, part 1, apply to [section 5]."

12. Page 7.

Following: line 22

Insert: "**NEW SECTION. Section 11. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all occurrences concerning filing or reporting on or after September 1, 2002. This section may not be construed to require a refund of any fee paid on or after September 1, 2002."

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For the House:

A. Olson, Chairman
Brueggeman
Ballantyne

For the Senate:

Gebhardt, Chairman
McNutt
Squires

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 680**
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 680** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 680** (reference copy -- salmon) be amended as follows:

1. Page 3, line 14 through line 15.

Strike: "ANY FEE" on line 14 through "SUBSECTION (2)" on line 15

Insert: "(a) Of the fees collected under subsection (1), \$1 must be deposited in the records preservation fund, provided for in 7-4-2635, and the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each \$6 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each \$10 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from a \$10 charge for a page or a fraction of a page"

For the House:

Noennig, Chairman
Younkin
Becker

For the Senate:

Sprague, Chairman
Gebhardt
Wheat

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved the Senate stand in recess until the hour of 5:30 p.m. this day. Motion carried.

Senate recessed at 1:57 p.m.

Senate reconvened at 5:33 p.m.

Roll call. All members present except Senators Stonington and Tropila, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Zook, Chairman):
SB 483, introduced bill, be amended as follows:

4/15/2003

1. Title, lines 7 and 8.

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Following: "ANALYSIS;"

Strike: "PROVIDING" on line 7 through "ANALYSIS;" on line 8

Insert: "REQUIRING THE STATE TREASURER TO PROVIDE INFORMATION ON THE STATE WEBSITE ON HOW TO DONATE FUNDS TO ANY STATE FUNCTION;"

2. Title, line 8.

Strike: "90"

Insert: "95"

3. Title, line 11.

Following: "SECTIONS"

Strike: "15-12-302,"

Insert: "17-1-111,"

4. Title, line 12.

Following: "17-7-102,"

Insert: "17-7-111,"

5. Page 1, line 16 through page 2, line 20.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 17-1-111, MCA, is amended to read:

"**17-1-111. General fiscal duties of state treasurer.** (1) The state treasurer is the custodian of all money and securities of the state unless otherwise expressly provided by law.

(2) It is the duty of the state treasurer to:

(a) receive and account for all money belonging to the state, not expressly required by law to be received and kept by some other person;

(b) pay warrants out of the funds upon which they are drawn;

(c) upon payment of any warrant, record the receipt of the person to whom it is paid;

(d) keep an account of all money received and disbursed;

(e) at the request of either house of the legislature or of any legislative committee, give information in writing as to the condition of the treasury or on any subject relating to the duties of the office of state treasurer;

(f) superintend the fiscal concerns of the state;

(g) suggest plans for the improvement and management of the public revenue;

(h) keep an account of all warrants drawn upon the treasury and of other appropriation records that the treasurer determines to be essential for the support of the accounting records maintained in the department;

(i) keep a register of warrants, showing the fund upon which each warrant is drawn, each warrant's number, who received the warrant, and the date issued;

(j) require all persons who have received money belonging to the state but who have not accounted for it to settle their accounts;

(k) draw warrants on the state treasury for the payment of money directed by law to be paid out of the treasury, except that a warrant may not be drawn unless authorized by law;

(l) authenticate with the official seal of the state all warrants drawn and all copies of papers issued from the office of state treasurer;

(m) collect and pay into the state treasury all fees received; and

(n) discharge other duties as may be imposed upon the state treasurer by law; and

(o) provide information through the state's official internet website detailing how donations can be made to the state general fund or to any function of state government."

Renumber: subsequent sections

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6. Page 3, line 9.

Strike: "90%"

Insert: "95%"

7. Page 4.

Following: line 10

Insert: "Section 3. Section 17-7-111, MCA, is amended to read:

"17-7-111. Preparation of state budget -- agency program budgets -- form distribution and contents.

(1) (a) To prepare a state budget, the executive branch, the legislature, and the citizens of the state need information that is consistent and accurate. Necessary information includes detailed disbursements by fund type for each agency and program for the appropriate time period, recommendations for creating a balanced budget, and recommended disbursements and estimated receipts by fund type and fund category.

(b) Subject to the requirements of this chapter, the budget director and the legislative fiscal analyst shall by agreement:

(i) establish necessary standards, formats, and other matters necessary to share information between the agencies and to ensure that information is consistent and accurate for the preparation of the state's budget; and

(ii) provide for the collection and provision of budgetary and financial information that is in addition to or different from the information otherwise required to be provided pursuant to this section.

(2) In the preparation of a state budget, the budget director shall, not later than the date specified in 17-7-112(1), distribute to all agencies the proper forms and instructions necessary for the preparation of budget estimates by the budget director. These forms must be prescribed by the budget director to procure the information required by subsection (3). The forms must be submitted to the budget director by the date provided in 17-7-112(2)(a) or the agency's budget is subject to preparation based upon estimates as provided in 17-7-112(5). The budget director may refuse to accept forms that do not comply with the provisions of this section or the instructions given for completing the forms.

(3) The agency budget request must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The plan must consist of:

(a) a consolidated agency budget summary of funds subject to appropriation or enterprise funds that transfer profits to the general fund or to an account subject to appropriation for the current base budget expenditures, including statutory appropriations, and for each present law adjustment and new proposal request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget, showing a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress;

(b) a schedule of the actual and projected receipts, disbursements, and solvency of each fund for the current biennium and estimated for the subsequent biennium;

(c) a statement of the agency mission and a statement of goals and objectives for each program of the agency. The goals and objectives must include, in a concise form, sufficient specific information and quantifiable information to enable the legislature to formulate an appropriations policy regarding the agency and its programs and to allow a determination, at some future date, on whether the agency has succeeded in attaining its goals and objectives.

(d) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program;

(e) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the agency's recommendations for the ensuing biennium, by disbursement category;

~~(f) for only agencies with more than 20 FTE, a plan to reduce the proposed base budget for the general appropriations act and the proposed state pay plan to 95% of the current base budget or lower if directed by the budget director. Each agency plan must include base budget reductions that reflect the required percentage reduction by fund type for the general fund and state special revenue fund types. The plan must include:~~

~~—— (i) a prioritized list of services that would be eliminated or reduced;~~

~~—— (ii) for each service included in the prioritized list, the savings that would result from the elimination or~~

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reduction; and

- ~~(iii) the consequences or impacts of the proposed elimination or reduction of each service.~~
~~(g)(f)~~ a reference for each new information technology proposal stating whether the new proposal is included in the approved agency information technology plan as required in 2-17-523; and
~~(h)(g)~~ other information the budget director feels is necessary for the preparation of a budget.
- (4) The budget director shall prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:
- (a) detailed recommendations for the state long-range building program. Each recommendation must be presented by institution, agency, or branch, by funding source, with a description of each proposed project.
- (b) a statewide summary of recommendations for information technology projects and new initiatives. Each recommendation must be presented by institution, agency, or branch and by funding source, and recommendations for major new information technology projects must contain the information identified in 2-17-526.
- (c) the proposed pay plan schedule for all executive branch employees at the program level by fund, with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401.
- (d) agency proposals for the use of cultural and aesthetic project grants under Title 22, chapter 2, part 3, the renewable resource grant and loan program under Title 85, chapter 1, part 6, the reclamation and development grants program under Title 90, chapter 2, part 11, and the treasure state endowment program under Title 90, chapter 6, part 7.
- (5) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (5). The report must include the following information for each year of the biennium, contrasted with the same information for the last completed fiscal year and the fiscal year in progress:
- (a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;
- (b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and
- (c) a schedule showing the total funds available from each bond indenture and its associated accounts, with a list of commitments and planned expenditures from such accounts, itemized by revenue source and project for each year of the current and ensuing bienniums.
- (6) The budget director may not obtain copies of individual income tax records protected under 15-30-303. The department of revenue shall make individual income tax data available by removing names, addresses, occupations, social security numbers, and taxpayer identification numbers. The department of revenue may not alter the data in any other way. The data is subject to the same restrictions on disclosure as are individual income tax returns.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 206, be amended as follows:

1. Page 3, line 11.

Strike: "\$6"

Insert: "\$5"

2. Page 4, line 1.

Strike: "32.6%"

Insert: "22.3%"

Strike: "22.46%"

Insert: "25%"

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3. Page 4, line 16.

Strike: "17.5%"

Insert: "20.7%"

Strike: "4.31%"

Insert: "8.75%"

4. Page 4, line 19.

Strike: "47.40%"

Insert: "54.5%"

Strike: "69.48%"

Insert: "62.5%"

And, as amended, be concurred in. Report adopted.

HB 705, be concurred in. Report adopted.

HB 727, be amended as follows:

1. Page 5, line 2.

Following: "date."

Insert: "When the department contracts for additional group homes for the developmentally disabled, the department shall give priority to providing those homes in a community in eastern Montana in which a residential facility has been closed. It is the intent of the legislature that the department of public health and human services have access to the personal services contingency funds in House Bill No. 13 in order to address any severance pay and costs for reduction in force associated with the closure of Eastmont human services center."

And, as amended, be concurred in. Report adopted.

HB 735, be concurred in. Report adopted.

HB 736, be amended as follows:

1. Page 2.

Following: line 18

Insert: "(b) appoint a representative from the juvenile corrections division of the department of corrections to serve on the renewal commission;"

Renumber: subsequent subsections

2. Page 2.

Following: line 27

Insert: "(6) As used in this section, the term "K-12 public education" includes a state youth correctional facility, as defined in 41-5-103."

And, as amended, be concurred in. Report adopted.

HB 741, be concurred in. Report adopted.

HB 743, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on House Bill 509**

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Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 509** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 509** (reference copy -- salmon) be amended as follows:

1. Page 15, line 25.

Strike: "90" through "ACT"

Insert: "December 31, 2003"

2. Page 17, line 6.

Strike: "customer choice"

Insert: "transition"

For the House:

A. Olson, Chairman
Mendenhall
Matthews

For the Senate:

Johnson, Chairman
F. Thomas
McCarthy

MESSAGES FROM THE GOVERNOR

April 15, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 13** sponsored by Senator Mahlum, **Senate Bill 34** sponsored by Senator Barkus, **Senate Bill 80** sponsored by Senator Laible, **Senate Bill 86** sponsored by Senator Zook, **Senate Bill 166** sponsored by Senator Bales et al., **Senate Bill 168** sponsored by Senator Stonington et al., **Senate Bill 241** sponsored by Senator Shea, **Senate Bill 262** sponsored by Senator Perry et al., **Senate Bill 315** sponsored by Senator Schmidt et al., **Senate Bill 316** sponsored by Senator Grimes, **Senate Bill 341** sponsored by Senator F. Thomas, **Senate Bill 380** sponsored by Senator Bales, **Senate Bill 432** sponsored by Senator Grimes, and **Senate Bill 460** sponsored by Senator Story on April 15, 2003.

Sincerely,
JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

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4/15/2003

SB 138, introduced by Cobb
SB 320, introduced by Tester
SB 336, introduced by Mahlum
SB 407, introduced by DePratu

Senate bill concurred in and returned to the Senate:

4/15/2003

SB 155, introduced by Taylor

Senate bill not concurred in and returned to the Senate:

4/14/2003

SB 287, introduced by Sprague

HB 2 - The House failed to concur in Senate amendments to **HB 2**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 2**:

4/15/2003

Representative Lewis, Chair
Representative Lindeen
Representative Pattison

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Session 2

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Glaser in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

*****SB 314 - House Amendments** - Senator McCarthy moved House amendments to **SB 314** be **not** concurred in. Motion carried unanimously.

SB 326 - Free Conference Committee Report No. 1 - Senator McGee moved the Free Conference Committee report to **SB 326** be adopted. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Laible, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 27

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Pease, Roush, Ryan, Schmidt, Shea, Squires, Tester, Toole, Wheat.
Total 20

Absent or not voting: None.
Total 0

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Excused: Johnson, Stonington, Tropila.
Total 3

*****SB 424 - House Amendments** - Senator Nelson moved House amendments to **SB 424** be **not** concurred in. Motion carried unanimously.

HB 197 - Free Conference Committee Report No. 1 - Senator Perry moved the Free Conference Committee report to **HB 197** be adopted. Motion carried unanimously.

HB 536 - Free Conference Committee Report No. 1 - Senator Perry moved the Free Conference Committee report to **HB 536** be adopted. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 27

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Pease, Roush, Ryan, Schmidt, Squires, Tester, Toole, Wheat.
Total 20

Absent or not voting: None.
Total 0

Excused: Shea, Stonington, Tropila.
Total 3

HB 680 - Conference Committee Report No. 1 - Senator Sprague moved the Conference Committee report to **HB 680** be adopted. Motion carried unanimously.

HB 689 - Free Conference Committee Report No. 1 - Senator Gebhardt moved the Free Conference Committee report to **HB 689** be adopted. Motion carried with Senators Cobb and Taylor voting nay.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Glaser moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

HB 2 - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on **HB 2**. Motion carried. The President appointed the following members:

Senator Zook, Chair
Senator Keenan
Senator Nelson

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ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, April 16, 2003. Motion carried.

Senate adjourned at 6:10 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate

**SENATE JOURNAL
58TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 16, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Stonington and Tester, excused. Quorum present.

The presiding officer has authenticated the daily journal for the eighty-first legislative day.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SR 10.**

Correctly engrossed: **SB 483, HB 206, HB 727, HB 736.**

Correctly enrolled: **SB 95, SB 231, SB 348, SB 401, SJR 22.**

Examined by the sponsor and found to be correct: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458.**

Signed by the President at 3:30 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458.**

Signed by the Secretary of the Senate at 4:30 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458.**

Signed by the Speaker at 5:00 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458.**

Delivered to the Governor for approval at 9:15 a.m., April 16, 2003: **SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 444, SB 447, SB 458.**

Delivered to the Governor for approval at 9:50 a.m., April 16, 2003: **SB 35, SB 89, SB 406, SB 434.**

MOTIONS

SB 362 - Senator Grimes moved the **Conference** Committee on **SB 362** be dissolved and that a **Free** Conference Committee be appointed to meet with a like committee from the House to confer on **SB 362**. Motion carried. The President appointed the following members:

Senator Grimes, Chair
Senator Perry
Senator Mangan

Majority Leader Thomas moved the Senate stand in recess for purpose of party caucuses until the hour of 1:30 p.m. Motion carried.

Senate recessed at 1:11 p.m.

Senate reconvened at 1:36 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Shea in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 138 - House Amendments - Senator Cobb moved House amendments to **SB 138** be concurred in. Motion carried unanimously.

SB 320 - House Amendments - Senator Tester moved House amendments to **SB 320** be concurred in. Motion carried unanimously.

*****SB 336 - House Amendments** - Senator Mahlum moved House amendments to **SB 336** be **not** concurred in. Motion carried unanimously.

*****SB 407 - House Amendments** - Senator DePratu moved House amendments to **SB 407** be **not** concurred in. Motion carried unanimously.

HB 206 - Senator Esp moved **HB 206** be concurred in. Motion carried unanimously.

HB 489 - Senator Wheat moved **HB 489** be concurred in. Motion carried unanimously.

HB 509 - Free Conference Committee Report No. 1 - Senator Johnson moved the Free Conference Committee report to **HB 509** be adopted. Motion carried unanimously.

HB 705 - Senator Cobb moved **HB 705** be concurred in. Motion carried with Senator Stapleton voting nay.

HB 727 - Senator Cobb moved **HB 727** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, McCarthy, McGee, O'Neil, Perry, Ryan, Schmidt, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Wheat, Zook, Mr. President.
Total 37

Nays: Bales, Cocchiarella, Elliott, Gebhardt, Harrington, Kitzenberg, Mangan, McNutt, Nelson, Pease, Roush, Shea, Tropila.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 735 - Senator Laible moved **HB 735** be concurred in. Motion carried unanimously.

HB 736 - Senator Tester moved **HB 736** be concurred in. Motion carried with Senator Butcher voting nay.

HB 741 - Senator Laible moved **HB 741** be concurred in. Motion carried with Senator Curtiss voting nay.

HB 743 - Senator McCarthy moved **HB 743** be concurred in. Motion carried unanimously.

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SB 483 - Senator Stonington moved **SB 483**, second reading copy, be amended as follows:

1. Title, line 9 through line 10.

Following: line 8

Strike: "REVISING" on line 9 through "LEVELS;" on line 10

2. Title, line 12.

Following: "17-7-102,"

Strike: "17-7-111,"

3. Page 4, line 8.

Following: "90%"

Strike: "95% of"

4. Page 5, line 11 through page 8, line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

Total 35

Nays: Bales, Barkus, Butcher, Curtiss, DePratu, Johnson, Laible, O'Neil, Sprague, Stapleton, Story, Tash, Taylor, Zook.

Total 14

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

SB 483 - Senator Keenan moved **SB 483**, as amended, do pass. Motion carried unanimously.

HJR 31 - Free Conference Committee Report No. 1 - Senator Esp moved the Free Conference Committee report to **HJR 31** be adopted. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Shea moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

SB 336 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee, and request the House to appoint a like committee to confer on House amendments to **SB 336**. Motion carried. The President appointed the following members:

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Senator Mahlum, Chair
Senator Sprague
Senator Shea

SB 407 -Senator Thomas moved the President be authorized to appoint a **Conference** Committee, and request the House to appoint a like committee to confer on House amendments to **SB 407**. Motion carried. The President appointed the following members:

Senator DePratu, Chair
Senator Glaser
Senator Ellingson

SB 407 - Senator Ellingson spoke on **SB 407**, stating he thought a Free Conference Committee would be more appropriate to discuss this bill, and hoped the Conference Committee would come back to the Senate with such a recommendation..

Majority Leader Thomas moved the Senate suspend rule 50-170 and place **HB 206**, **HB 727** and **HB 736** on third reading this legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 126, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Harrington, Laible, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 27

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Johnson, Kitzenberg, Mahlum, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

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Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 492 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.

Total 44

Nays: Cooney, Ellingson, Harrington, Schmidt, Stonington, Toole.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 197, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 298, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

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Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 536, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Gebhardt, Glaser, Grimes, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Tropila, Zook, Mr. President.
Total 39

Nays: Cooney, Ellingson, Esp, Hansen, Mangan, Nelson, Pease, Roush, Schmidt, Tester, Wheat.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 680, as amended by the Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

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Total 49

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 689, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 206, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Roush.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 727, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, McCarthy, McGee, O'Neil, Perry, Ryan, Schmidt, Sprague, Squires,

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Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 38

Nays: Bales, Cocchiarella, Elliott, Gebhardt, Harrington, Kitzenberg, Mangan, McNutt, Nelson, Pease, Roush, Shea.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 736, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Stapleton, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 40

Nays: Butcher, Cromley, Johnson, Mangan, McCarthy, Nelson, Schmidt, Squires, Stonington, Taylor.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 130**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 130** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 130** (reference copy -- salmon) be amended as follows:

1. Title, line 16.

Following: "PERCENT"

Strike: "ALL"

Insert: "10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT"

2. Page 3, line 14.

Following: "90%"

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Strike: "ALL" through "AGREEMENT"

Insert: "Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90%"

3. Page 3, line 16 through line 18.

Following: "trusts"

Strike: "IN ACCORDANCE" on line 16 through "TRUSTS" on line 18

4. Page 8, line 28.

Strike: "AND"

5. Page 9.

Following: line 1

Insert: "(b) 10% of the revenue received as a result of an agreement with the department of fish, wildlife, and parks for the use and impacts of hunting, fishing, and trapping as provided in [section 1]; and"

Renumber: subsequent subsection

6. Page 12, line 14.

Strike: "50-CENT"

7. Page 12, line 16.

Strike: "50-CENTS"

Insert: "the amount of that surcharge"

For the Senate:

McGee, Chairman
Barkus
Cooney

For the House:

Peterson, Chairman
Lawson
Matthews

FREE CONFERENCE COMMITTEE
on **Senate Bill 375**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 9.

Strike: "Waste tire bales"

Insert: "Baled waste tires"

Following: "exception"

Insert: " -- department rules"

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2. Page 1, line 13.

Following: "PURPOSE"

Insert: "within 500 feet of any road, commercial business, or private residence without the consent of the owner of the business or residence"

3. Page 1, line 14.

Following: "IN"

Strike: "CONCRETE OR A SIMILAR"

Insert: "a"

4. Page 1, line 15.

Following: "DEVICES."

Insert: "Notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste."

5. Page 1, line 16.

Following: "(2)"

Strike: "Waste tire bales"

Insert: "Baled waste tires"

6. Page 1, line 19.

Following: "CIRCUMSTANCES"

Insert: "or in a location where they are likely to enter any state waters.

(3) A bale of waste tires that loses its integrity is solid waste and is subject to disposal requirements and penalties as provided in this part"

For the Senate:

Stapleton, Chairman
Perry
Elliott

For the House:

Barrett, Chairman
Brueggeman
Harris

FREE CONFERENCE COMMITTEE
on **House Bill 190**
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 190** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 190** (reference copy -- salmon) be accepted by the House.

For the House:

Younkin, Chairman
Hurwitz
Windy Boy (unsigned)

For the Senate:

Cobb, Chairman
Sprague
Squires (unsigned)

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 304**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

Strike: "REQUIRING" on line 8 through "COMMITTEE;" on line 9

2. Page 2, line 3.

Strike: "DEPARTMENT OF LABOR AND INDUSTRY"

Insert: "state fund"

For the Senate:

Johnson, Chairman
Anderson
Cocchiarella (unsigned)

For the House:

Lewis, Chairman
Morgan
Wilson

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 330**
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 330** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 330** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Strike: "PRODUCTIVITY" through "OUTCOMES"

Insert: "BENEFITS"

2. Page 1, line 26 through line 27.

Strike: "ECONOMIC" on line 26 through "OUTCOMES" on line 27

Insert: "statewide economic benefits"

For the Senate:

Stapleton, Chairman
Johnson
Mangan

For the House:

Bitney, Chairman
Fuchs
Ryan

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 347**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 347** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 347** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

Following: "THAT"

Strike: ":", on line 29 through "(A)" on line 30

2. Page 2, line 1 through line 10.

Following: "AUTHORITIES" on line 1

Strike: ":", on line 1 through "ILLNESSES" on line 10

3. Page 5, line 23.

Following: "PLAN"

Insert: ", subject to approval of the federal waivers as provided for in [section 15]"

4. Page 7, line 26.

Following: "AUTHORITIES"

Insert: ". If the provisions of the plan requiring federal approval, as provided in [section 15], are approved, the department shall implement the plan"

Following: "2004"

Insert: ", or upon approval of the federal waivers"

5. Page 8, line 2 through line 3.

Following: "DESIGNATION" on line 2

Strike: "BY" on line 2 through "STATE" on line 3

6. Page 16, line 20.

Following: "SECTION 15."

Strike: "LEGISLATIVE"

Insert: "Agreements with federal government pertaining to medicaid funding of services -- legislative"

Following: "INTENT."

Insert: "(1) The department of public health and human services is directed to pursue agreements with the United States department of health and human services, as provided for in Title XIX of the federal Social Security Act, 42 U.S.C. 1396, et seq., and implementing regulations, for the provision of increased medicaid funding for mental health services and for more flexible administration of mental health services funded with medicaid money. Agreements may be for waivers, demonstrations, or other programs as allowed for in Title XIX and its implementing regulations governing the provision of medicaid funding to the states.
(2)"

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For the Senate:

Esp, Chairman
Keenan
Stonington

For the House:

E. Clark, Chairman
Franklin
Gallus

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 395**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 395** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 395** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Strike: "BY RESIDENTS"

2. Page 1, line 29.

Strike: "TO RESIDENTS"

3. Page 5, line 22.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

4. Page 6, line 8.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

For the Senate:

Perry, Chairman
Barkus
Shea

For the House:

Balyeat, Chairman
Wagman
Golie

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 642**
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 642** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 642** (reference copy -- salmon) be amended as follows:

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1. Page 1, line 18.

Strike: "charges for public utility service in direct relation to"

2. Page 1, line 17.

Following: "(a)"

Insert: "(i)"

3. Page 1, line 19.

Following: "1"

Insert: "except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the"

Strike: "OF"

Insert: "change in"

Strike: "CHANGES IN MONTANA"

Insert: "the deductibility of"

4. Page 1, line 20.

Strike: "1 paid by the public utility, including"

Insert: ";

(B)"

Following: "adjustments"

Insert: ";

Following: "AND"

Insert: "(C)"

5. Page 1, line 21.

Following: "PROTEST."

Insert: "(ii)"

Strike: "PERMANENT"

For the House:

Devlin, Chairman

Lambert

Golie

For the Senate:

Story, Chairman

Glaser

Toole

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/16/2003

SB 408, introduced by Nelson

SB 414, introduced by Pease

SB 484, introduced by Mangan

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/16/2003

SB 112, introduced by McCarthy

SB 294, introduced by Gebhardt

SB 461, introduced by Story

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SB 478, introduced by Story
SB 480, introduced by Black
SB 487, introduced by Pease

Senate amendments to House bill concurred in:

4/16/2003

HB 5, introduced by Kasten

SPECIAL ORDERS OF THE DAY

SR 7 - Senator Cobb moved **SR 7**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SR 8 - Senator Cobb moved **SR 8**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

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SR 9 - Senator Cobb moved **SR 9**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Thursday, April 17, 2003. Motion carried.

Senate adjourned at 3:50 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate

**HOUSE JOURNAL
58TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 23, 2003

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Small-Eastman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

UNFINISHED BUSINESS

The Speaker appointed the following members to the conference committee on **HB 424**:

Representative Bitney, Chair
Representative Roberts
Representative Jent

The Speaker appointed the following members to the Free Conference Committee on **HB 559**:

Representative Brueggeman, Chair
Representative Musgrove
Representative Gallus

The Speaker had conferred with the Rules Committee regarding either House requesting the return of a bill. The Rules Committee ruled that a formal letter would need to be written to the House Leader followed with a motion on the House floor requiring a majority vote.

The Speaker responded to Minority Leader Wanzenried's inquiry about **HB 363**. The rules would need to be suspended for the late transmittal and this motion would require a 2/3 vote.

Minority Leader Wanzenried further inquired about **SB 493** and whether it would also require this same procedure. The Speaker will look into it.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

4/23/2003

Correctly printed: **SB 492, SJR 32**.

Correctly enrolled: **HB 705, HB 735, HB 741, HB 743**.

Examined by the sponsor and found to be correct: **HB 705, HB 735, HB 741, HB 743**.

Signed by the Speaker at 8:10 a.m., April 23, 2003: **HB 3, HB 4, HB 18**.

Signed by the Speaker at 11:45 a.m., April 23, 2003: **HB 705, HB 735, HB 741, HB 743**.

Delivered to the Governor for approval at 9:25 a.m., April 23, 2003: **HB 3, HB 4, HB 18**.

Delivered to the Governor for approval at 12:50 p.m., April 23, 2003: **HB 705, HB 735, HB 741, HB 743**.

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EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2003

MESSAGES FROM THE GOVERNOR

April 22, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 94** sponsored by Representative Lawson, **House Bill 185** sponsored by Representative Wilson, **House Bill 408** sponsored by Representative Peterson et al., **House Bill 441** sponsored by Representative Cyr et al., **House Bill 478** sponsored by Representative Peterson, and **House Bill 653** sponsored by Representative Lambert et al. on April 22, 2003.

Sincerely,

JUDY MARTZ
Governor

April 22, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 5, "**AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2005; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Section 2. Capital projects appropriations. As passed, House Bill No. 5 Section 2, reads that the Department of Administration, for the purpose of fostering restoration, maintenance, and development of the project at the Montana Veteran's Home in Columbia Falls, may waive the requirements pertaining to bidding and bonding for

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State building projects in Title 39. A technical amendment must be made to strike Title 39 and insert Title 18. Specifically, Section 2, (2)(a)(i) should read that the Department of Administration...may waive...,the requirements pertaining to: bidding and bonding for state building projects in Title 18.

I have enclosed my amendment to that effect. Please be advised that Representative Kasten, the sponsor of the bill, has been informed of my recommendation and has no objections.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 5

1. Page 4, line 18.

Strike: "39"

Insert: "18"

April 22, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 609, "AN ACT HONORING THE SACRIFICE, PATRIOTISM, AND LONG TRADITION OF MILITARY PARTICIPATION BY MONTANA'S AMERICAN INDIAN CITIZENS BY REQUIRING SPECIFIC RECOGNITION OF MONTANA'S PAST, PRESENT, AND FUTURE AMERICAN INDIAN WAR VETERANS IN THE CONSTRUCTION OF THE AMERICAN INDIAN MONUMENT AND TRIBAL FLAG CIRCLE; AMENDING SECTION 22-2-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

House Bill No. 609 to provide a contingent effective date. I recommend that House Bill No. 609 be amended as follows: This act is effective on the date that the state treasurer certifies to the governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle. The state treasurer shall provide a copy of the certification to the code commissioner.

I have enclosed my amendment to that effect. Please be advised that Representative Windy Boy, the sponsor of the bill, has been informed of my recommendation and has no objections.

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I urge your concurrence in the amendment.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 609

1. Title, line 11.

Strike: "AN IMMEDIATE"

Insert: "A CONTINGENT"

2. Page 2, line 23.

Strike: "passage and approval"

Insert: "the date that the state treasurer certifies to the governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle. The state treasurer shall provide a copy of the certification to the code commissioner"

April 22, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

Re: Senate Bill 370

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 370, "AN ACT REVISING WHICH ENTITIES PAY FOR THE MEDICAL EXPENSES OF INMATES HELD IN COUNTY DETENTION FACILITIES; PROVIDING CIRCUMSTANCES UNDER WHICH THE INMATE IS RESPONSIBLE FOR PAYMENT; REQUIRING THE HEALTH CARE PROVIDER TO COLLECT PAYMENTS FOR TREATMENT FROM INMATES WHO ARE ABLE TO PAY; PROVIDING CIRCUMSTANCES UNDER WHICH THE COUNTY IS RESPONSIBLE FOR PAYMENT; AMENDING SECTIONS 7-32-2222 AND 7-32-2245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 370, or with its specific measures. I recommend, however, that Section 2 (3)(C) be amended to read that if the health care provider is reimbursed by the third-party payor *or by the inmate* or after the provider has been reimbursed by the county, the provider shall refund to the county the amount that the provider had been paid by the county for the services provided to the inmate.

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I have enclosed my amendment to that effect. Please be advised that Senator Gebhardt, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 370

1. Page 3, line 2.
Following: "BY"
Insert: "the inmate or"

April 22, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

Re: Senate Bill 381

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 381, " AN ACT PROVIDING THAT THE USE OF ARBITRATION FOR DISPUTE RESOLUTION UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS NOT MANDATORY; AMENDING SECTIONS 75-7-111, 75-7-112, 75-7-113, 75-7-116, 75-7-117, AND 75-7-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason.

Section 75-7-112, MCA, Section 2 gives the applicant 15 days to choose either arbitration or judicial review. The conservation district supervisor and the department of fish, wildlife and parks representative are limited to 5 days to give notice of arbitration. If arbitration is selected by a person other than the applicant and then the applicant attempts to seek a judicial review a conflict of laws problem is created. In other words, both arbitration and judicial review have been invoked and the question becomes which process should be used. The DNRC recommends that the applicant's choice of remedy should prevail.

The following attached amendments will provide the following:

(1)The applicant's choice of filing a petition for judicial review will prevail over a fish, wildlife and parks or a conservation districts representative's choice of filing for arbitration.

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(2) The effective date would be moved to give the local, state and federal agencies the time to develop the necessary applications, etc. to implement the law as amended by SB 381.

Please be advised that the Department of Natural Resources and Conservation concur with this amendment. Further, please be advised that Senator Keenan, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 381

1. Title, line 6.

Following: ";

Insert: "AND"

2. Title, line 7.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 23.

Following: "Review."

Insert: "(1)"

4. Page 5, line 26.

Insert: "(2) An applicant's choice of the judicial review remedy prevails over any other team member's request for arbitration regardless of whether arbitration was requested prior to the filing of a petition for judicial review by the applicant."

5. Page 5, line 27.

Strike: section 7 in its entirety

Majority Leader Brown moved that the House recess until 9:15 a.m. for caucuses. Motion carried.

House recessed at 8:45 a.m.

House reconvened at 9:19 a.m. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 13**
Report No. 1, April 22, 2003

Mr. Speaker and Mr. President:

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We, your Free Conference Committee met and considered **House Bill 13** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be accepted by the House.

For the House:

A. Olson, Chairman
Barrett

For the Senate:

Zook, Chairman
Tash

FREE CONFERENCE COMMITTEE
on **Senate Bill 252**
Report No. 1, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 252** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 252** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 through 8.

Strike: "EACH" on line 7

Insert: "CERTAIN"

Strike: "ELECTION"

Insert: "ELECTIONS"

Strike: "AND" on line 7 through "PROVIDED" on line 8

2. Page 2, lines 8 through 9.

Strike: "for as long" on line 8 through "application" on line 9

Following: "."

Insert: "However, the application is valid for only one federal election and all other elections until the next federal election."

3. Page 3, line 17.

Strike: "administration"

Insert: "administrator"

Strike: "."

4. Page 3, line 18.

Strike: "(A)"

Following: "request"

Strike: "that an"

Strike: "ballot,"

5. Page 3, lines 19 through 23.

Strike: "when available" on line 19 through "BALLOT" on line 23

Insert: "ballots for subsequent elections, as provided in 13-13-212(5)"

Following: "FORM"

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Insert: ", or another form prescribed by the secretary of state,"

Strike: "PROVIDE"

Insert: "verify"

6. Page 3, line 24.

Following: "ADDRESS"

Insert: "and must be returned with the voted absentee ballot"

Strike: "INCLUDED"

Insert: "used"

For the Senate:

Butcher, Chairman
Stapleton

For the House:

Sinrud, Chairman
B. Olson

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 727 - Senate Amendments - Representative E. Clark moved Senate amendments to **HB 727** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90 - Senate Amendments - Representative E. Clark moved Senate amendments to **HB 90** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

SB 415 - Representative Mood moved **SB 415** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 70

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kaufmann, Laslovich, Lindeen, Matthews, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Witt.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 101 - Governor's Amendments - Representative Keane moved Governor's amendments to **SB 101** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Smith.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 56 - Conference Committee Report No. 1 - Representative B. Thomas moved the Conference Committee report to **HB 56** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

HB 190 - Representative Laszloffy moved consideration of **HB 190** be placed below HB 298 on the second reading board. Motion carried.

HB 197 - Free Conference Committee Report No. 1 - Representative Becker moved the Free Conference Committee report to **HB 197** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 201 - Free Conference Committee Report No. 1 - Representative Jent moved the Free Conference Committee report to **HB 201** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 211 - Free Conference Committee Report No. 1 - Representative Newman moved the Free Conference Committee report to **HB 211** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 68

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Noes: Ballantyne, Balyeat, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Erickson, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lindeen, Musgrove, Ryan, Sales, Small-Eastman, Wanzenried, Windy Boy.

Total 30

Excused: None.

Total 0

Absent or not voting: Franklin, Wilson.

Total 2

HB 259 - Conference Committee Report No. 1 - Representative Maedje moved the Conference Committee report to **HB 259** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Fisher, Gillan, Jayne.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 277 - Conference Committee Report No. 1 - Representative Lindeen moved the Conference Committee report to **HB 277** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Callahan, E. Clark, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gibson, Golie, Haines, Hedges, Hurwitz, Jackson, Kaufmann, Lake, Lambert, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Balyeat, Becker, Bixby, D. Brown, R. Brown, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dowell, Everett, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lange, Laslovich, Laszloffy, Lawson, Lewis, Maedje, Mendenhall, Musgrove, Newman, Sales, Waitschies, Weiss, Witt.

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Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 283 - Free Conference Committee Report No. 1 - Representative Fuchs moved the Free Conference Committee report to **HB 283** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Carney, Cohenour, Dowell, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Parker, Raser, Small-Eastman, Smith, Windy Boy.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 190 and HB 298 - Free Conference Committee Reports No. 1 - Representative Laszloffy moved consideration of the Free Conference Committee Reports to **HB 190 and HB 298** be placed at the bottom of the second reading board. Motion carried.

HB 403 - Conference Committee Report No. 1 - Representative Keane moved the Conference Committee report to **HB 403** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Everett, Sales, Sinrud.

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Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 509 - Free Conference Committee Report No. 1 - Representative A. Olson moved the Free Conference Committee report to **HB 509** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Jayne, Morgan.

Total 2

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

HB 536 - Free Conference Committee Report No. 1 - Representative Brueggeman moved the Free Conference Committee report to **HB 536** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Buzzas, Carney, Cohenour, Cyr, Dickenson, Erickson, Fritz, Fuchs, Gallik, Galvin-Halcro, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Sales, Small-Eastman, Weiss.

Total 24

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 564 - Free Conference Committee Report No. 1 - Representative Lindeen moved the Free Conference Committee report to **HB 564** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Balyeat, Everett, Fuchs, Hawk, Kasten, Ripley, Sales, Shockley, Waitschies.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 642 - Conference Committee Report No. 1 - Representative Devlin moved the Conference Committee report to **HB 642** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Balyeat, Bixby, Gallik, Jayne, Kaufmann, Sales.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 680 - Conference Committee Report No. 1 - Representative Noennig moved the Conference Committee report to **HB 680** be adopted. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

HB 689 - Free Conference Committee Report No. 1 - Representative A. Olson moved the Free Conference Committee report to **HB 689** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lindeen, Musgrove, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31 - Free Conference Committee Report No. 1 - Representative Facey moved the Free Conference Committee report to **HJR 31** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann,

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Total 98

Noes: Everett.
Total 1

Excused: None.
Total 0

Absent or not voting: Gallus.
Total 1

SB 47 - Conference Committee Report No. 1 - Representative Mendenhall moved the Conference Committee report to **SB 47** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Dickenson, Gallik, Gillan, Golie, Harris, Jayne, Sales, Smith.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 - Free Conference Committee Report No. 1 - Representative B. Thomas moved the Free Conference Committee report to **SB 57** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy

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Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 126 - Free Conference Committee Report No. 1 - Representative Devlin moved the Free Conference Committee report to **SB 126** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Waitschies.
Total 1

HB 298 - Free Conference Committee Report No. 1 - Representative Younkin moved the Free Conference Committee report to **HB 298** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Galvin-Halcro, Gillan, Golie, Jayne, Juneau, Kasten.

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Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 190 - Free Conference Committee Report No. 1 - Representative Younkin moved the Free Conference Committee report to **HB 190** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 70

Noes: Bergren, Callahan, Carney, P. Clark, Cohenour, Dowell, Erickson, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 28

Excused: None.

Total 0

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Absent or not voting: Lehman, Mr. Speaker.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 2, as amended by the Senate, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Rice, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 44 adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 92

Noes: Everett, Franklin, Lambert, McKenney, Rome, Steinbeisser, Waitschies, Witt.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HJR 45 failed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumph, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 261, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumph, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 71

Noes: Balyeat, Becker, D. Brown, Buzzas, P. Clark, Everett, Franklin, Galvin-Halcro, Golie, Hawk, Jackson, Jayne, Juneau, Kasten, Laszloffy, Lindeen, Maedje, Malcolm, Morgan, Newman, Pattison, Ryan, Sales, Shockley, Sinrud, Smith, Wagman, Wanzenried, Weiss.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 539, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 722, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Balyeat, Bixby, Branae, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Jayne, Keane, Laszloffy, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Wilson.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 767 passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

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Noes: Balyeat, Bixby, Erickson, Jayne, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 489 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 31 concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 75

Noes: Ballantyne, Bergren, Branae, Callahan, P. Clark, Cyr, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Jackson, Jayne, Kaufmann, Keane, Laslovich, Mendenhall, Musgrove, Newman, Parker, Ryan, Waitschies, Wilson.
Total 25

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 4/23/2003

SB 325, introduced by McGee

SB 408, introduced by Nelson

SB 429, introduced by Esp

SB 493, introduced by Keenan

House amendments to Senate bill concurred in: 4/23/2003

SB 464, introduced by Keenan

House joint resolution concurred in and returned to the House: 4/23/2003

HJR 36, introduced by Pattison

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/23/2003

HB 608, introduced by Windy Boy

Free Conference Committee Report No.1 adopted: 4/23/2003

HB 720, introduced by Hurwitz

SB 360, introduced by F. Thomas

SB 362, introduced by Grimes

April 22, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

Re: Senate Bill 270

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 270, "AN ACT REVISING THE INDEPENDENT CONTRACTOR EXEMPTION LAWS; IMPOSING A CIVIL PENALTY AND REQUIRING REPAYMENT OF

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UNEMPLOYMENT CONTRIBUTIONS AND WORKERS' COMPENSATION PREMIUMS AGAINST AN EMPLOYER WHO FALSELY MISREPRESENTS AN EMPLOYEE'S STATUS AS AN EXEMPT INDEPENDENT CONTRACTOR; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO APPOINT AN INTERIM ADVISORY COMMITTEE TO STUDY ISSUES RELATED TO INDEPENDENT CONTRACTORS AND TO MAKE RECOMMENDATIONS TO THE 59TH LEGISLATURE; AMENDING SECTION 39-71-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 270, or with its specific measures. I recommend, however, that Section 1 (3)(f) be deleted in its entirety. A purpose of the bill is to penalize an independent contractor who misrepresents his or her status as an exempt independent contractor. I trust that the advisory committee, contained in Section 2, will study issues relating to independent contractors as it relates to a working definition and to exemptions of independent contractors from coverage under the Worker's Compensation Act.

I have enclosed my amendment to that effect. I urge your concurrence in this amendment.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 270

1. Title, lines 4 through 15.

Strike: "REVISING" on line 12 through "CONTRACTOR;" on line 15

2. Title, lines 17 and 18.

Following: ":" on line 17

Strike: remainder of line 17 through "MCA;" on line 18

3. Title, line 19.

Strike: "AND AN APPLICABILITY DATE"

4. Page 2, line 3 through page 6, line 9.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 6, line 27.

Strike: "-- applicability"

6. Page 6, lines 28 and 29.

Following: "approval" on line 28

Strike: remainder of line 28 through "act]" on line 29

MOTIONS

Representative Kasten moved to **suspend the rules** for the placement of **HB 11** on second reading this day.

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Representative Kasten withdrew his motion.

Representative R. Brown moved the Speaker dissolve the conference committee and reappoint a Free Conference Committee on **SB 461**.

The Speaker appointed the following members:

Representative Devlin, Chair
Representative Lake
Representative Forrester

UNFINISHED BUSINESS

Minority Leader Wanzenried asked the Speaker for a ruling on **SB 483** and whether it will require a 2/3 vote to bring it back to the floor.

The Speaker ruled that the bill missed the deadline and so requires a 2/3 vote.

Mr. Speaker asked Representative Lewis to postpone the hearing on SB 483.

Committee meetings were announced by the committee chairs.

Representative Lewis announced the postponement of the committee hearing on SB 483.

Majority Leader Brown moved that the House recess until 1:00 p.m. Motion carried.

House recessed at 10:31 a.m.

House reconvened at 1:02 p.m. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 349**
Report No. 1, April 22, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 349** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 349** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5 through line 20.

Following: "~~insurance~~" on line 5

Strike: remainder of line 5 through "INSURER" on line 20

Insert: "means a denial, nonrenewal, or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of coverage of any insurance, existing or applied for, in connection with the underwriting of personal insurance"

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2. Page 3, lines 11 and 12.

Following: "insured." on line 11

Strike: remainder of line 11 through "SCORE." on line 12

3. Page 3, line 13 through line 15.

Strike: subsection (9) in its entirety

4. Page 3, line 21.

Following: "~~solely~~"

Insert: "solely"

5. Page 3, line 22.

Strike: "AND SUBSTANTIALLY WEIGHING"

Insert: "any"

Strike: "FACTORS"

Insert: "factor"

6. Page 3, line 24.

Following: "~~renewal~~"

Insert: "renewal"

Following: "~~solely~~"

Insert: "solely"

7. Page 3, line 25.

Strike: "AND SUBSTANTIALLY WEIGHING"

Insert: "any"

Strike: "FACTORS"

Insert: "factor"

8. Page 3, line 27.

Following: "~~solely~~"

Insert: "solely"

9. Page 3, line 28.

Strike: "AND SUBSTANTIALLY WEIGHING"

Insert: "any"

Strike: "FACTORS"

Insert: "factor"

10. Page 4, line 5.

Following: "~~criteria~~"

Insert: "unless the insurer does one of the following:

(a) treats the consumer as otherwise approved by the commissioner if the insurer presents information that the absence or inability relates to the risk for the insurer;

(b) treats the consumer as if the consumer had neither positive nor negative credit information, as defined by the insurer; or

(c) excludes the use of credit information as a factor and uses only other underwriting criteria"

11. Page 4, line 21.

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Following: line 20

Insert: "(i) the insurer is treating the consumer as otherwise approved by the commissioner;"

Renumber: subsequent subsections

12. Page 4, line 30.

Strike: "THE NUMBER OF"

Insert: "promotional, account review, or account management"

13. Page 5, line 1.

Following: "information"

Insert: "or inquiries requested by the consumer for the consumer's own credit information"

14. Page 5, line 6.

Following: "or"

Insert: "or"

15. Page 5, lines 9 and 10.

Following: "considered" on line 9

Strike: remainder of line 9 through "DEBIT CARD" on line 10

16. Page 6, line 9.

Strike: "AT LEAST four"

Insert: "all"

17. Page 6, line 10.

Following: "factors"

Insert: ", up to four,"

18. Page 6, lines 13 and 14.

Following: "section" on line 13

Strike: remainder of line 13 through "EXPLANATION" on line 14

19. Page 6, line 15 through line 19.

Strike: subsection (3) in its entirety

Insert: "(3) provide the consumer with the following information, which must be included with the information provided to the consumer pursuant to subsection (2):

(a) examples of the kinds of information considered by the insurer in the development of the consumer's insurance score;

(b) the name and telephone number of the consumer reporting agency that the insurer used to obtain the consumer's credit information or the third party used to determine the insurance score; and

(c) notice of how the consumer may exercise the consumer's remedies under [sections 5(7) and 6]."

20. Page 6, line 23.

Strike: "MUST"

Insert: "may"

21. Page 6, lines 24 through 26.

Following: "CRITERION" on line 24

Strike: "AS REQUIRED IN"

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Insert: "pursuant to"

Following: "~~33-16-203~~" on line 24

Strike: remainder of line 24 through "CODE" on line 26

22. Page 7, line 15.

Following: line 14

Insert: "(2) The restrictions provided in subsection (1) do not apply to data or lists that the consumer reporting agency supplies to the insurance producer from whom information was received, the insurer on whose behalf the insurance producer acted, or the insurer's affiliates or holding companies."

Renumber: subsequent subsection

For the Senate:

Anderson, Chairman
Grimes

For the House:

Steinbeisser, Chairman
Rome

FREE CONFERENCE COMMITTEE
on **Senate Bill 487**
Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 487** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 487** (reference copy -- salmon) be amended as follows:

1. Title, lines 8 and 9.

Following: "PROJECT;" on line 8

Strike: remainder of line 8 through "PROJECT;" on line 9

Following: "AND"

Insert: "AND"

Strike: "90-5-101,"

2. Page 3, lines 1 through 4.

Strike: "\$800" on line 1

Insert: "\$100"

Following: "million." on line 1

Strike: remainder of line 1 through "MILLION." on line 4

3. Page 3, line 10.

Strike: "\$600"

Insert: "\$50"

4. Page 4, line 21.

Insert: "(7) The board is encouraged to consider applications for project financing related to infrastructure and facilities necessary for the development of the state-owned coal assets."

5. Page 4, line 22 through page 6, line 5.

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Strike: section 4 in its entirety
Renumber: subsequent sections

6. Page 6, line 9.
Strike: "THROUGH 4"
Insert: "and 3"

7. Page 6, line 11.
Strike: "5"
Insert: "4"

For the Senate:

Johnson, Chairman
Laible
Pease

For the House:

Bitney, Chairman
Mendenhall
Small-Eastman

MESSAGES FROM THE SENATE

HB 558 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 558**:
4/23/2003

Senator Mahlum, Chair
Senator Barkus
Senator Shea

SB 461 - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 461**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 461**:
4/23/2003

Senator Story, Chair
Senator DePratu
Senator Stonington

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 5 - Governor's Amendments - Representative Kasten moved Governor's amendments to **HB 5** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,

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Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 218 - Governor's Amendments - Representative Bookout-Reinicke moved Governor's amendments to **HB 218** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 247 - Governor's Amendments - Representative Harris moved Governor's amendments to **HB 247** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan,

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Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Barrett, D. Brown, Everett, Fuchs, Hawk, Jackson, Kasten, Mendenhall, Newman, Rice, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 609 - Governor's Amendments - Representative Windy Boy moved Governor's amendments to **HB 609** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 492 - Representative Hedges moved **SB 492** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

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Noes: Dickenson, Golie.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 29 - Representative Forrester moved **SJR 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Bitney, Everett, Hawk, Jackson, Jayne, Lake, Malcolm, Mendenhall, Morgan, Pattison, Sales, Sinrud, Steinbeisser, Waitschies, Weiss.
Total 15

Excused: None.
Total 0

Absent or not voting: Wanzenried.
Total 1

SJR 32 - Representative Roberts moved **SJR 32** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Jayne, Malcolm, Sales, Shockley, Waitschies.
Total 5

Excused: None.
Total 0

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Absent or not voting: Bookout-Reinicke.
Total 1

SB 325 - Governor's Amendments - Representative Noennig moved Governor's amendments to **SB 325** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Buzzas, Callahan, Franklin, Galvin-Halcro, Kaufmann, Wilson.
Total 6

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

SB 408 - Governor's Amendments - Representative Waitschies moved Governor's amendments to **SB 408** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Balyeat, Gallus, Newman, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: Fuchs.
Total 1

SB 429 - Governor's Amendments - Representative Wagman moved Governor's amendments to **SB 429** be concurred in. Motion carried as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 13 - Free Conference Committee Report No. 1 - Representative Lewis moved the Free Conference Committee report to **HB 13** be **not** adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Balyeat, Everett, Fuchs, Jackson, Kasten, Morgan, Rice, Sales, Sinrud.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 720 - Free Conference Committee Report No. 1 - Representative Hurwitz moved the Free Conference Committee report to **HB 720** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross,

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Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Becker, Bixby, Branae, Buzzas, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Raser, Small-Eastman, Weiss, Windy Boy.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 252 - Free Conference Committee Report No. 1 - Representative Sinrud moved the Free Conference Committee report to **SB 252** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

SB 130 - Free Conference Committee Report No. 1 - Representative Peterson moved the Free Conference Committee report to **SB 130** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 74

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Noes: Balyeat, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Parker, Small-Eastman, Smith, Wanzenried, Weiss.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 304 - Conference Committee Report No. 1 - Representative Lewis moved the Conference Committee report to **SB 304** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Bixby, Carney, P. Clark, Cohenour, Dowell, Erickson, Forrester, Fritz, Gallik, Gutsche, Harris, Jacobson, Jent, Kaufmann, Laslovich, B. Olson, Small-Eastman, Smith, Wanzenried.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 326 - Free Conference Committee Report No. 1 - Representative Younkin moved the Free Conference Committee report to **SB 326** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, McKenney, Mendenhall, Musgrove, Newman, Parker, Raser, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

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Excused: None.
Total 0

Absent or not voting: Noennig.
Total 1

SB 330 - Conference Committee Report No. 1 - Representative Bitney moved the Conference Committee report to **SB 330** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 83

Noes: Balyeat, Callahan, Cohenour, Erickson, Everett, Franklin, Gallik, Gillan, Gutsche, Jacobson, Jayne, Kaufmann, Lewis, Lindeen, Sales, Weiss.
Total 16

Excused: None.
Total 0

Absent or not voting: Waitschies.
Total 1

SB 347 - Conference Committee Report No. 1 - Representative E. Clark moved the Conference Committee report to **SB 347** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Buzzas.
Total 1

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 360 - Free Conference Committee Report No. 1 - Representative McKenney moved the Free Conference Committee report to **SB 360** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Ballantyne, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gutsche, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Raser, Small-Eastman, Smith, Weiss.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375 - Free Conference Committee Report No. 1 - Representative Barrett moved the Free Conference Committee report to **SB 375** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 97

Noes: P. Clark, Newman, Witt.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 395 - Conference Committee Report No. 1 - Representative Wagman moved the Conference Committee report

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to **SB 395** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Fritz, Fuchs, Gallus, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the

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following manner:

SB 485 concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Facey, Franklin, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Wilson.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 490 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Callahan, Galvin-Halcro, Lawson, Lindeen, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on Senate Bill 271**

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Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 271** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 271** (reference copy -- salmon) be amended as follows:

1. Title, line 4.

Strike: "AUTHORIZING"

Insert: "REQUIRING THAT"

2. Title, line 11.

Following: "INDUSTRY;"

Insert: "INCREASING THE DEBT LIMIT UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT; AUTHORIZING A LOAN TO THE DEPARTMENT OF REVENUE FOR THE REPLACEMENT SYSTEM; REQUIRING THE DEPARTMENT OF REVENUE TO IMPOSE AN ADMINISTRATIVE CHARGE FOR TAX COLLECTION SERVICES; REQUIRING THE ADMINISTRATIVE CHARGE TO BE DEPOSITED IN AN ACCOUNT TO BE USED TO PAY THE DEBT SERVICE ON LOANS ISSUED FOR THE REPLACEMENT SYSTEM; APPROPRIATING MONEY FOR DEPARTMENT OF REVENUE'S TRANSITION COSTS AND FOR LOAN REPAYMENT;"

3. Title, line 12.

Following: "~~15-30-249~~;"

Insert: "15-1-501, 17-5-1608, 17-5-2001,"

4. Title, line 14.

Strike: "A CONTINGENT"

5. Title, line 15.

Strike: "DATE"

Insert: "DATES"

6. Page 1, line 21.

Strike: "MAY"

Insert: "shall"

7. Page 1, line 24.

Strike: "MAY"

Insert: "must"

8. Page 1, line 28.

Strike: "MAY"

Insert: "shall"

9. Page 5, line 19.

Insert: "**Section 2.** Section 15-1-501, MCA, is amended to read:

"**15-1-501. Disposition of money from certain designated license and other taxes.**(1) ~~The~~ Except as

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provided in subsection (5), the state treasurer shall deposit to the credit of the state general fund in accordance with the provisions of subsection (3) all money received from the collection of:

- (a) income taxes, interest, and penalties collected under chapter 30;
- (b) all taxes, interest, and penalties collected under chapter 31;
- (c) oil and natural gas production taxes distributed to the general fund under 15-36-324;
- (d) electrical energy producer's license taxes under chapter 51;
- (e) the retail telecommunications excise tax collected under Title 15, chapter 53, part 1;
- (f) liquor license taxes under Title 16;
- (g) fees from driver's licenses, motorcycle endorsements, and duplicate driver's licenses as provided in 61-5-121;
- (h) estate taxes under Title 72, chapter 16; and
- (i) fees based on the value of currency on deposit and tangible personal property held for safekeeping by a foreign capital depository as provided in 15-31-803.

(2) The department shall also deposit to the credit of the state general fund all money received from the collection of license taxes and all net revenue and receipts from all sources, other than certain fees, under the operation of the Montana Alcoholic Beverage Code.

(3) Notwithstanding any other provision of law, the distribution of tax revenue must be made according to the provisions of the law governing allocation of the tax that were in effect for the period in which the tax revenue was recorded for accounting purposes. Tax revenue must be recorded as prescribed by the department of administration, pursuant to 17-1-102(2) and (4), in accordance with generally accepted accounting principles.

(4) All refunds of taxes must be attributed to the funds in which the taxes are currently being recorded. All refunds of interest and penalties must be attributed to the funds in which the interest and penalties are currently being recorded.

(5) The administrative assessment provided for in [section 5] must be deposited in an account in the state special revenue fund to the credit of the department."

Insert: "Section 3. Section 17-5-1608, MCA, is amended to read:

"17-5-1608. (Temporary) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$120 million. (Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

17-5-1608. (Effective July 1, 2011) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, ~~(except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101),~~ to exceed ~~\$75~~ \$120 million.""

Insert: "Section 4. Section 17-5-2001, MCA, is amended to read:

"17-5-2001. (Temporary) Loans to state agencies. (1) An agency responsible for the procurement and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

- (a) the term of the indebtedness does not exceed the useful life of the items being financed; and
- (b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$4.5 million, payable over a term not to exceed 10 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.

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(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550. The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

(3) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$1,120,000, payable over a term not to exceed 7 years, for the acquisition of video gambling automated accounting and reporting system data collection units.

(b) The loan is payable from the department of justice's annual appropriation from the general fund.

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the department of justice's base budget appropriation from the general fund must be sufficient to repay the indebtedness with respect to the video gambling data collection units over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation.

(4) (a) If bonds are not issued for the project authorized in [section 1], the department of revenue is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$17 million, payable over a term not to exceed 7 years, for the acquisition of a replacement system for the process oriented integrated system (POINTS) computer system.

(b) The loan is payable from the department of revenue's appropriation from the administrative assessment provided for in [section 5].

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue from the administrative assessment provided for in [section 5] must be sufficient to repay the indebtedness with respect to the replacement system over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation.

(Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

17-5-2001. (Effective July 1, 2011) Loans to state agencies. An agency responsible for the procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(1) the term of the indebtedness does not exceed the useful life of the items being financed; and

(2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.""

"NEW SECTION. Section 5. Administrative assessment. The department shall establish a fee of up to 0.45% of selected taxes collected by the department in order to recover costs and expenses associated with the POINTS replacement system described in [section 1]. The fee must be set annually to provide revenue equal to the debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

(2) The department shall deposit the fee in an account in the state special revenue fund to the credit of the department.

(3) The department may adopt rules for identifying which taxes the administrative fee applies to and establishing the rate of the fee.

Renumber: subsequent sections

10. Page 13, line 16.

Insert: "NEW SECTION. Section 11. Deposit of loan proceeds -- capital projects appropriation. (1) The proceeds of any loan from the board of investments to the department of revenue for replacement of the POINTS computer system must be deposited in the capital projects fund.

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(2) There is appropriated from the capital projects fund to the department of administration up to \$17 million for the replacement system described in [section 1].

(3) The department of revenue and the department of administration are prohibited from using any of the proceeds from the loan for the replacement system authorized by [section 1] for agency current level operating expenses. Loan proceeds appropriated under this section may be expended for project administration and implementation, including software and required hardware, software licensing, and extraordinary personal and contracted services.

(4) The appropriation continues until June 30, 2005."

"NEW SECTION. Section 12. Appropriation. (1) There is appropriated from the general fund to the department of revenue \$2,391,385 for the biennium ending June 30, 2005. This appropriation is to provide for the replacement of POINTS and the transfer of responsibility for unemployment insurance collections to the department of labor and industry. The department of revenue may use the appropriated funds for expenses necessary to ensure the smooth transition of existing POINTS data and systems to the replacement systems, including expenses for training, personal and contracted services, data and software cleanup, clearing backlog, correcting and realigning tax and collection data, preparing and executing conversion strategies, maintaining currency, and converting historic data.

(2) There is appropriated \$1.9 million from the state special revenue account for administrative assessments provided for in [section 5] to the department of revenue for the biennium ending June 30, 2005, for the payment of debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

Insert: **"NEW SECTION. Section 13. Codification instruction.** [Sections 1 and 5] are intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [sections 1 and 5]."

Renumber: subsequent sections

11. Page 13, line 25.

Strike: **"SUBSECTION (2)"**

Insert: "subsections (2) and (3)"

12. Page 13, line 26.

Strike: **"4 THROUGH 6"**

Insert: "8 through 10"

13. Page 13, line 28.

Insert: "(3) [Sections 2, 5, and 12] are effective July 1, 2003."

14. Page 13, line 29.

Strike: **"3"**

Insert: "7"

15. Page 14, line 4.

Insert: **"NEW SECTION. Section 18. Termination.** [Sections 1, 4, and 5] terminate June 30, 2011."

For the Senate:

Glaser, Chairman
Stapleton

For the House:

Brueggeman, Chairman
Pattison
Wanzenried

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FREE CONFERENCE COMMITTEE
on **Senate Bill 314**
Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 314** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 314** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

Strike: "WHICH" on line 7 through "IS" on line 8

Following: "FUNDS"

Insert: "OR REMAINING TOBACCO SETTLEMENT PROCEEDS"

2. Title, line 9.

Following: line 8

Insert: "AND"

Following: "MCA"

Strike: remainder of line 9 through "DATE"

3. Page 1, line 14.

Strike: "To"

Insert: "Except as provided in subsection (5), to"

4. Page 1, line 16.

Strike: "18"

Insert: "17"

5. Page 2, line 3.

Following: "FUNDS"

Insert: "or tobacco settlement proceeds as provided in subsection (5)(c)"

6. Page 2, line 4.

Following: "IF"

Insert: "the child is 18 years of age or younger and"

7. Page 2, line 5.

Strike: "(1)(A) AND"

8. Page 2, line 8 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) Tobacco settlement proceeds not otherwise appropriated from the two state special revenue accounts provided for in 17-6-606(2) and (3) are allocated to the program for use as matching funds for the purposes of subsection (5)(a) for the program for the biennium ending June 30, 2005."

9. Page 2, line 16.

Strike: section 2 in its entirety

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For the Senate:

Stapleton, Chairman
Esp
McCarthy

For the House:

E. Clark, Chairman
B. Thomas

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 493, introduced by Keenan (by request of the Senate Finance Standing Committee), referred to Appropriations.

Majority Leader Brown moved that the House recess until 3:20 p.m. for caucuses. Motion carried.

House recessed at 3:01 p.m.

House reconvened at 3:24 p.m. All members present. Quorum present.

MOTIONS

Representative Lehman moved to **suspend the rules** for the late transmittal of **HB 489** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Franklin, Gallus, Ryan, Wilson.
Total 4

Excused: None.
Total 0

Absent or not voting: Haines, Jent, Kaufmann, Keane, Smith.
Total 5

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 363** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove,

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Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 70

Noes: Balyeat, Bergren, Bixby, Buzzas, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Franklin, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kasten, Kaufmann, Newman, Raser, Ryan, Shockley, Small-Eastman, Smith, Weiss, Wilson.
Total 29

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 736** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: Ballantyne, Bergren, Buzzas, Callahan, Dickenson, Franklin, Gallus, Galvin-Halcro, Gillan, Golie, Lindeen, Parker, Ryan, Wilson.
Total 14

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

Representative Younkin moved to **suspend the rules** for the late transmittal of **HB 206** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Facey, Fisher, Forrester, Fritz, Gallik, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 76

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Noes: Balyeat, Bergren, Buzzas, Callahan, P. Clark, Dowell, Erickson, Everett, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Juneau, Lindeen, Raser, Ryan, Sales, Shockley, Wilson.
Total 23

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 42** and that it be placed on second reading Legislative Day 87. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 44

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 608** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ross, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 75

Noes: Balyeat, E. Clark, Devlin, Everett, Fuchs, Gallus, Hawk, Jackson, Lewis, Malcolm, Mendenhall, Peterson, Ripley, Roberts, Rome, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt.
Total 23

Excused: None.

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Total 0

Absent or not voting: Bookout-Reinicke, Keane.

Total 2

Representative R. Brown moved to **suspend the rules** for the purpose of a late committee hearing on **SB 421**. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, R. Brown, Brueggeman, Buzzas, E. Clark, Cohenour, Devlin, Everett, Facey, Fisher, Fuchs, Gallik, Haines, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, B. Olson, Peterson, Roberts, Rome, Schrumpf, Shockley, Smith, Stoker, Thomas, Wagman, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Andersen, Branae, D. Brown, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jayne, Jent, Kasten, Keane, Laslovich, Lenhart, Lindeen, Morgan, Newman, A. Olson, Parker, Pattison, Raser, Rice, Ripley, Ross, Ryan, Sales, Sinrud, Small-Eastman, Steinbeisser, Waitschies, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kasten moved to **suspend the rules** for the late transmittal of **HB 11** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bergren, D. Brown, Gallus, Ryan, Sinrud.

Total 5

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

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Representative Wanzenried moved to **reconsider action** on **HJR 45** and that it be placed back on third reading Legislative Day 87. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.
Total 58

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, April 24, 2003. Motion carried.

House adjourned at 3:38 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House

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58TH LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 24, 2003

House Chambers
State Capitol

House convened at 8:00 a.m. Speaker Pro Tempore Laszloffy in the Chair. Invocation by Representative Ross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Pro Tempore Laszloffy recognized the Speaker who addressed Representative Wanzenried's inquiry about bills that had missed transmittal. The Speaker explained that SB 493 was not subject to transmittal but HB 483 had missed the transmittal and will need a motion to bring it back.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

4/24/2003

Correctly enrolled: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36..**

Examined by the sponsor and found to be correct: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36.**

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 559

Report No. 1, April 23, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 559** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 559** (reference copy -- salmon) be amended as follows:

1. Page 2, line 22.

Strike: "\$4"

Insert: "\$5"

2. Page 2, line 28.

Strike: "\$3"

Insert: "\$2.75"

3. Page 3, line 3.

Strike: "\$3"

Insert: "\$3.65"

4. Page 3, line 5.

Strike: "\$6"

Insert: "\$7.50"

5. Page 3, line 28.

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Strike: "FOR" through "YEAR" in their entirety

6. Page 4, line 2.

Following: "61-3-527"

Insert: ", 61-3-530,"

7. Page 6, line 3.

Strike: "canoe, kayak,"

Strike: ", rubber raft,"

8. Page 14, line 15.

Strike: "and" through "year"

9. Page 16, line 15.

Following: "and,"

Insert: "except as provided in subsection (2),"

10. Page 21, line 17 through line 18.

Strike: "EACH" on line 17 through "sequence." on line 18

11. Page 21, line 27.

Insert: "(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner must pay the fee in subsection (3)."

12. Page 30, line 23.

Strike: "\$19"

Insert: "\$17"

13. Page 31, line 4.

Strike: "\$24"

Insert: "\$22"

14. Page 32, line 13.

Strike: "(I)"

Following: "(6)(a):"

Insert: "The following vehicles are not subject to the fee imposed in subsection (6)(a):"

15. Page 32, line 14.

Following: "(i)"

Insert: "(i)"

Strike: "TRAILERS"

Insert: "trailers"

16. Page 32, line 15.

Strike: "ARE" through "(6)(A)."

Insert: "; and"

17. Page 32, line 16.

Strike: "TRAVEL"

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Insert: "travel"

18. Page 32, line 17 through line 18.

Strike: "ARE" on line 17 through "OWNERSHIP" on line 18

19. Page 39, line 7.

Following: "disability."

Insert: "If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must attached to the registration document in the vehicle."

20. Page 45, line 30.

Following: "disability."

Insert: "If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must attached to the registration document in the vehicle."

21. Page 50, lines 28 and 29.

Strike: "OR TRAVEL TRAILER"

22. Page 54, line 13.

Insert: "(4) A person who permanently registers a trailer, pole trailer, or semitrailer as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this section from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."

23. Page 58, line 5 through line 11.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

24. Page 58, line 14 through line 15.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

25. Page 62, line 4.

Strike: "34"

Insert: "33"

26. Page 62, line 5.

Strike: "42"

Insert: "41"

For the House:

Brueggeman, Chairman
Gallus
Musgrove

For the Senate:

Glaser, Chairman
Story

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MESSAGES FROM THE SENATE

HB 424 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 424**:

4/23/2003

Senator Taylor, Chair
Senator Perry
Senator Toole

April 23, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 199** sponsored by Representative Harris, **House Bill 249** sponsored by Representative Barrett, **House Bill 315** sponsored by Representative Lawson, **House Bill 545** sponsored by Representative Haines, **House Bill 669** sponsored by Representative Younkin, **House Bill 677** sponsored by Representative Lindeen, and **House Bill 758** sponsored by Representative Devlin et al. on April 23, 2003.

Sincerely,

JUDY MARTZ
Governor

April 23, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Keenan and Speaker Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 406, "**AN ACT PROVIDING THAT A CORNER RECORD MAY BE FILED IN LIEU OF A CERTIFICATE OF SURVEY IN CERTAIN INSTANCES; REQUIRING THAT THE COUNTY CLERK PROVIDE AN INDEX; PROVIDING THAT PARCELS CREATED FOR RIGHTS-OF-WAY OR UTILITY SITES ARE EXEMPT FROM THE SUBDIVISION REVIEW PROCESS UNLESS THERE IS A SUBSEQUENT CHANGE IN LAND USE; PROVIDING GUIDANCE ON EXEMPTIONS THAT ARE CREATED TO PROVIDE SECURITY FOR MORTGAGES, LIENS, OR TRUST INDENTURES; AND**

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AMENDING SECTIONS 70-22-105, 70-22-109, 76-3-201, AND 76-3-404, MCA" for the following reasons.

Senate Bill No. 406 modifies what has become known as the "mortgage exemption." Under this exemption, subdivisions of land that are created by mortgages, liens, or trust indentures are not subject to review under the Subdivision and Platting Act or the Sanitation in Subdivisions Act. (For purposes of this letter, I will use the term "mortgage" to refer to mortgages, liens, and trust indentures.) Under current law, the mortgage exemption is applicable at the time the mortgage is created and creates the subdivided parcel.

Senate Bill No. 406, as initially introduced, provided in effect that the mortgage exemption would cease to exist if the subdivided parcel were transferred to a person other than the financial or lending institution that holds the mortgage or to the purchaser in a foreclosure. The effect of this language was to provide that, even though the creation of the parcel was not subject to review, the parcel would be reviewed at the time of transfer unless the transfer was made to satisfy the security interest. Thus, parcels created by a mortgage and transferred to satisfy the mortgage would never be subject to review.

Unfortunately, the limitation language described above was amended to provide that the mortgage exemption applies only if the property is conveyed to the financial or lending institution or the purchaser in foreclosure. Although the purpose of this amendment was to make the language more readable, the effect is to apply the exemption at the time of transfer of the parcel pursuant to the mortgage, not at the time of creation of the parcel by the mortgage. For this reason, under the amended language, the creation of parcel by mortgage would always trigger subdivision review, even if the parcel were later transferred to satisfy the mortgage. The mortgage exemption would therefore be ineffective.

My proposed amendments would ensure that parcels created by mortgage and transferred to satisfy the mortgage would not be subject to review. Please be advised that the Department of Environmental Quality concurs with this amendment. Further, please be advised that Senator McGee, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 406

1. Page 2, line 30.

Strike: ONLY"

Following: "not"

Insert: "not"

Following: "than"

Insert: "any entity other than"

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 8:32 a.m. All members present. Quorum present. Speaker Pro Tempore Laszloffy in the Chair.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 362 - Free Conference Committee Report No. 1 - Representative Shockley moved the Free Conference Committee report to **SB 362** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 88

Noes: Bixby, Callahan, P. Clark, Cyr, Jayne, Keane, Lambert, Lawson, Musgrove, Newman, Ripley, Wanzenried.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 363 - Senate Amendments - Representative R. Brown moved Senate amendments to **HB 363** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Buzzas, P. Clark, Cyr, Gallik, Newman, Weiss.
Total 6

Excused: None.
Total 0

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Absent or not voting: Lambert, Wilson.
Total 2

HB 489 - Senate Amendments - Representative Lehman moved Senate amendments to **HB 489** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Shockley, Wilson.
Total 2

HB 206 - Senate Amendments - Representative Younkin moved Senate amendments to **HB 206** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 88

Noes: Buzzas, Cyr, Dowell, Galvin-Halcro, Jayne, Juneau, Kasten, Raser, Wanzenried, Weiss.
Total 10

Excused: None.
Total 0

Absent or not voting: Bitney, Sinrud.
Total 2

HB 736 - Senate Amendments - Representative R. Brown moved Senate amendments to **HB 736** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Bergren, Bixby, Buzzas, Dowell, Franklin, Gallus, Kaufmann, Laslovich, Lindeen, Weiss.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 336 - Conference Committee Report No. 1 - Representative Brueggeman moved the Conference Committee report to **SB 336** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: D. Brown, P. Clark, Devlin, Everett, Gutsche, Jayne, Kasten, Keane, Lake, Laslovich, Lawson, Maedje, Morgan, Newman, Pattison, Sales, Shockley, Wagman, Waitschies.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 349 - Conference Committee Report No. 1 - Representative Steinbeisser moved the Conference Committee report to **SB 349** be adopted. Motion **failed** as follows:

Ayes: Balyeat, Bitney, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Kasten, Lake, Laszloffy, McKenney, Morgan, Pattison, Peterson, Ripley, Rome, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 29

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Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Ryan, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 70

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

SB 487 - Free Conference Committee Report No. 1 - Representative Bitney moved the Free Conference Committee report to **SB 487** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

SB 271 - Free Conference Committee Report No. 1 - Representative Brueggeman moved the Free Conference Committee report to **SB 271** be adopted.

Representative B. Ryan moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 79

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Noes: Becker, Bixby, Branae, Buzzas, Cohenour, Dowell, Erickson, Franklin, Fritz, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Parker, Raser, Wanzenried, Wilson.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that the Free Conference Committee report to **SB 271** be adopted carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 11 - Senate Amendments - Representative Kasten moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 608 - Senate Amendments - Representative Windy Boy moved Senate amendments to **HB 608** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 85

Noes: Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Morgan, Peterson, Ripley, Shockley, Witt.
Total 14

Excused: None.
Total 0

Absent or not voting: Brueggeman.
Total 1

HB 559 - Free Conference Committee Report No. 1 - Representative Gallus moved the Free Conference Committee report to **HB 559** be adopted. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 68

Noes: Ballantyne, Balyeat, Barrett, Bixby, Callahan, Cohenour, Dickenson, Erickson, Everett, Facey, Franklin, Fuchs, Galvin-Halcro, Gillan, Golie, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Maedje, Raser, Rice, Rome, Sales, Sinrud, Small-Eastman, Smith, Waitschies.
Total 30

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, Wilson.
Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as

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follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 85

Noes: Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Morgan, Peterson, Ripley, Shockley, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 5, as amended by the Governor, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Dowell, Harris, Sales, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 56, Conference Committee Report No. 1, adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90, as amended by the Senate, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Franklin, Lawson.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 190, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 55

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 197, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Bitney, D. Brown, Everett, Jayne, Maedje, Pattison, Rice, Sales, Sinrud.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 201, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 211, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cyr, Devlin, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Fisher, Franklin, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Ryan, Sales, Sinrud, Small-Eastman, Wanzenried, Wilson.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 218, as amended by the Governor, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Fuchs.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 259, Conference Committee Report No. 1, adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 86

Noes: Bixby, Carney, P. Clark, Dowell, Erickson, Fisher, Galvin-Halcro, Gillan, Gutsche, Jayne, Juneau, Kaufmann, Lawson, Wanzenried.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kaufmann, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 74

Noes: Balyeat, R. Brown, Buzzas, P. Clark, Cohenour, Cyr, Everett, Forrester, Franklin, Fuchs, Gillan, Jayne, Jent, Juneau, Kasten, Keane, Lange, Laszloffy, Lewis, Maedje, Musgrove, Newman, Sales, Sinrud, Weiss, Witt.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.
Total 76

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Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 298, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Balyeat, Franklin, Golie, Jayne, Juneau, Kasten, Laszloffy, Sales.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Balyeat, Everett, Hawk, Jackson, Kasten, Malcolm, Sales, Shockley, Sinrud.
Total 9

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 509, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Balyeat, Fisher, Jayne, Laszloffy, Sales, Shockley, Sinrud.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 536, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 66

Noes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Wanzenried, Weiss, Wilson, Windy Boy.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 564, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Barrett, Everett, Fisher, Hawk, Kasten, Pattison, Ripley, Sales, Shockley, Waitschies.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 609, as amended by the Governor, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 642, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

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Noes: Balyeat, Becker, Bixby, Gallik, Jayne, Lawson, Sales.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 680, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: D. Brown, Jayne, Maedje, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 62

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lindeen, Newman, Parker, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 38

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 720, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 727, as amended by the Senate, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Dickenson, Everett, Facey, Fisher, Fritz, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Ballantyne, Bergren, Bixby, Carney, Cohenour, Devlin, Dowell, Erickson, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jent, Kasten, Keane, Lambert, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Rice, Ryan, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 45 adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Roberts, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.
Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 90

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Noes: Dickenson, Dowell, Gallik, Golie, Harris, Juneau, Laszloffy, Sales, Shockley, Wilson.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 101, as amended by the Governor, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 90

Noes: Balyeat, D. Brown, Everett, Franklin, Gallik, Jackson, Kaufmann, Pattison, Sales, Sinrud.
Total 10

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 126, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 130, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Newman, Parker, Rice, Ryan, Sales, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 252, Free Conference Committee Report No. 1, not adopted as follows:

Ayes: Andersen, Barrett, D. Brown, Carney, E. Clark, Everett, Fisher, Forrester, Fuchs, Hurwitz, Jackson, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Windy Boy,

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Younkin.
Total 37

Noes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Peterson, Raser, Ryan, Sales, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.
Total 63

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 304, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Keane, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 75

Noes: Becker, Bixby, Buzzas, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Fritz, Gallik, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Lake, Laslovich, Lawson, Lindeen, B. Olson, Rice, Shockley, Small-Eastman, Smith, Wanzenried.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325, as amended by the Governor, concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 82

Noes: Ballantyne, Bixby, Buzzas, Callahan, P. Clark, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gutsche,

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Harris, Juneau, Kaufmann, Lindeen, Parker, Wanzenried.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 326, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Galvin-Halcro, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, McKenney, Mendenhall, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 73

Noes: Balyeat, Bergren, Cohenour, Erickson, Everett, Facey, Fisher, Franklin, Gallik, Gallus, Gillan, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laszloffy, Pattison, Roberts, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss.
Total 27

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 347, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Buzzas.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 360, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 64

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk,

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Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 87

Noes: Balyeat, Cyr, Fisher, Gillan, Jackson, Keane, Lambert, Laszloffy, Maedje, Newman, Rice, Ryan, Witt.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 62

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 408, as amended by the Governor, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

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Noes: Balyeat, Everett, Fuchs, Newman, Sales, Sinrud.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 415 concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 66

Noes: Ballantyne, Bergren, Bixby, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Franklin, Gallus, Galvin-Halcro, Golie, Gutsche, Jackson, Jayne, Juneau, Kaufmann, Laslovich, Laszloffy, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Younkin.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 429, as amended by the Governor, concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 492 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Golie, Keane.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 29 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.

Total 75

Noes: Bitney, D. Brown, Everett, Fisher, Hawk, Hedges, Jackson, Jayne, Kasten, Lake, Lange, Laszloffy, Maedje, Malcolm, Mendenhall, Pattison, Ripley, Sales, Schruppf, Sinrud, Steinbeisser, Waitschies, Weiss, Witt, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 32 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau,

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Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Bergren, Buzzas, P. Clark, Erickson, Franklin, Gallus, Galvin-Halcro, Gutsche, Jayne, Malcolm, Waitschies, Weiss, Wilson, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 363**. Motion carried.

The Speaker appointed the following members:

Representative R. Brown, Chair
Representative Sales
Representative Gillan

Representative R. Brown moved to **suspend the rules** to place **SB 483** on second reading Legislative Day 88. Motion (requiring 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Smith, Weiss, Wilson.

Total 36

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

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Representative A. Olson moved that the Speaker dissolve the conference committee and reappoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 304**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair
Representative Rice
Representative Ryan

Representative R. Brown moved to **reconsider action** on **SB 483**. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 69

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Juneau, Keane, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Weiss, Wilson.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative R. Brown moved to **suspend the rules** for the late transmittal of **SB 483** and that it be referred to the Committee on Appropriations. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 68

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Keane, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Weiss, Wilson.
Total 32

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

The following cosponsor was removed from **SB 271**: Wanzenried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Friday, April 25, 2003. Motion carried.

House adjourned at 11:10 a.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House

EXHIBIT

DATE

HB

Amendments to House Bill No. 298
Reference Copy

For the House Free Conference Committee

Prepared by Leanne Kurtz
April 14, 2003 (11:41am)

1. Title, line 5.

Following: "~~A FEE~~"

Insert: "FEES"

2. Title, line 6.

Strike: "CERTAIN COSTS OF A REVIEW"

Insert: "AN EXAMINATION"

Strike: "DIVISIONS"

Insert: "A DIVISION"

Following: "LAND"

Insert: "TO DETERMINE WHETHER IT IS"

3. Page 1, line 13.

Strike: "ACTUAL COSTS"

Insert: "fees for examination of division"

4. Page 1, line 30 through page 2, line 1.

Strike: "COLLECT" on page 1, line 30 through "76-3-611(2)(A)" on page 2, line 1

Insert: "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

5. Page 2, line 5.

Strike: "ACTUAL COSTS"

Insert: "fees for examination of division"

6. Page 3, lines 2 and 3.

Strike: "COLLECT" on line 2 through "76-3-611(2)(A)"

Insert: "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

- END -

Roll Call
Free Conference COMMITTEE

HB: 298

[illegible]

Roll Call Vote

COMMITTEE

MOTION NO. 2

MOTION: do pass as amended

[illegible]

4 0

HOUSE OF
FIRE
CONFERENCE

COMMITTEE

DATE 4/11/03 BILL NO. HB 278 MOTION NO. 1
MOTION: Be amended

[illegible]



FREE CONFERENCE COMMITTEE

on House Bill 298

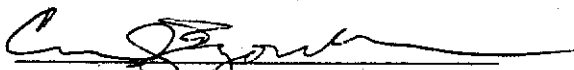
Report No. 1, April 14, 2003

Page 1 of 2

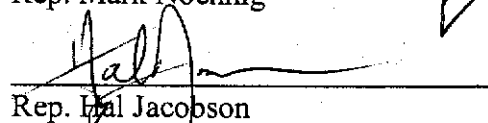
Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 298** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

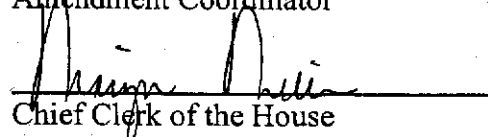
For the House:


Rep. Cindy Younkin Vice-Chair


Rep. Mark Noennig

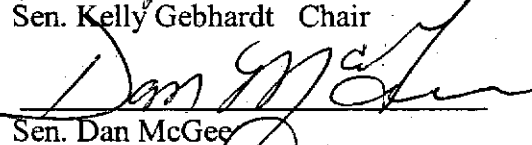

Rep. Hal Jacobson

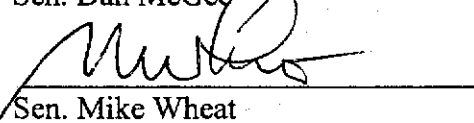

Amendment Coordinator


Chief Clerk of the House

For the Senate:


Sen. Kelly Gebhardt Chair


Sen. Dan McGee


Sen. Mike Wheat

And, recommend that **House Bill 298** (reference copy -- salmon) be amended as follows:

1. Title, line 5.
Following: "A-FEE"
Insert: "FEES"

2. Title, line 6.
Strike: "CERTAIN COSTS OF A REVIEW"
Insert: "AN EXAMINATION"
Strike: "DIVISIONS"

ADOPT

Amendment # HB 298-1

REJECT

Insert: "A DIVISION"

Following: "LAND"

Insert: "TO DETERMINE WHETHER IT IS"

3. Page 1, line 13.

Strike: "ACTUAL COSTS"

Insert: "fees for examination of division"

4. Page 1, line 30 through page 2, line 1.

Strike: "COLLECT" on page 1, line 30 through "76-3-611(2)(A)" on page 2, line 1

Insert: "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

5. Page 2, line 5.

Strike: "ACTUAL COSTS"

Insert: "fees for examination of division"

6. Page 3, lines 2 and 3.

Strike: "COLLECT" on line 2 through "76-3-611(2)(A)"

Insert: "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

- END -